

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 18]

नई दिल्ली, शनिवार, मई 3, 1969/वैशाख 13, 1891

No. 18]

NEW DELHI, SATURDAY, MAY 3, 1969/VAISAKHA 13, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 16 अप्रैल, 1969 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 16th April, 1969:—

Issue No.	No. and date	Issued by	Subject
125	S. O. 1324 dated 3rd April, 1969.	Ministry of Finance	Appointment of Valuers for the purpose of the Estate Duty Act, 1953 (34 of 1953).
126	S. O. 1395, dated 5th April, 1969.	Ministry of Foreign Trade and Supply.	The Essential Commodities (Regulation of Production and Distribution for Purposes of Export) (First Amendment) Order, 1969.
	एस० ओ० 1396, दिनांक 5 अप्रैल, 1969।	विदेशी व्यापार तथा आपूर्ति मंत्रालय	आवश्यक वस्तु (निर्यात के प्रयोजनों के लिये उत्पादन और वितरण का विनियमन) (प्रथम संशोधन) आदेश, 1969।
127	S.O. 1397, dated 5th April, 1969.	Ministry of Foreign Trade and supply	The Essential Commodities (Regulation of Production and Distribution for purposes of Export) (Second Amendment) Order, 1969.

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० 1398, विदेशी व्यापार तथा दिनांक 5 अप्रैल, आपूर्ति मंत्रालय 1969		आवश्यक वस्तु (निर्यात के प्रयोजनों के लिये उत्पादन और वितरण का विनियमन) । (द्वितीय संशोधन) आदेश, 1969 ।
128	S.O. 1399, dated 7th April 1969.	Ministry of Foreign Trade and Supply.	Quality control and preshipment inspection of dried shark fins and dried fish maws.
129	S.O. 1400, dated 7th April, 1969.	Election Commission of India	Calling upon the elected members of the Legislative Assembly of the State of Madhya Pradesh to elect a person to fill the vacancy in the Council of States.
	S.O. 1401, dated 7th April, 1969.	Do.	Appointment of dates for the above election (S.O. 1400).
	S.O. 1402, dated 7th April, 1969.	Do.	Fixation of hours for the above election (S.O. 1400).
	S.O. 1403, dated 7th April, 1969.	Do.	Designating the Secretary, Madhya Pradesh Vidhan Sabha, Bhopal, to be the Returning Officer for the above election (S. O. 1400).
	S.O. 1404, dated 7th April, 1969.	Do.	Appointing the Deputy Secretary, Madhya Pradesh Vidhan Sabha, Bhopal, to assist the Returning Officer for the above election (S.O.1400).
	एस० ओ० 1405, भारत निर्वाचन आयोग दिनांक 7 अप्रैल, 1969 ।		मध्य प्रदेश विधान सभा द्वारा राज्य सभा में एक रिक्त स्थान के लिये निर्वाचन ।
	एस० ओ० 1406, तदैव दिनांक 7 अप्रैल, 1969 ।		राज्य सभा के लिये मध्य प्रदेश विधान सभा द्वारा निर्वाचन के लिये तारीखों की नियुक्ति ।
	एस० ओ० 1407, तदैव दिनांक 7 अप्रैल, 1969 ।		राज्य सभा के लिये होने वाले निर्वाचन के लिये समय की नियुक्ति ।
	एस० ओ० 1408, तदैव दिनांक 7 अप्रैल, 1969 ।		मध्य प्रदेश विधान सभा, भोपाल के सचिव की राज्य सभा के लिये होने वाले निर्वाचन के लिये रिटर्निंग आफिसर के रूप में पदाभिहित करना ।

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० 1409, भारत निर्वाचन आयोग दिनांक 7 अप्रैल, 1969।		राज्य सभा के लिए होने वाले निर्वाचन में मध्य प्रदेश विधान सभा के उप-सचिव को रिटनिंग आफिसर को उसके कृत्यों के पालन में सहायता करने के लिये नियुक्ति।
130.	S.O. 1410, dated 9th April, 1969.	Election Commission of India.	Bye-election for the House of the People of 30-Midnapore Parliamentary Constituency in the State of West Bengal.
	S.O. 1411, dated 9th April, 1969.	Do.	Appointment of dates for the above bye-election (S.O. 1410).
	S.O. 1412, dated 9th April, 1969.	Do.	Fixation of hours for the above bye-election (S.O. 1410).
	एस० ओ० 1413, भारत निर्वाचन आयोग दिनांक, 9 अप्रैल 1969		पश्चिमी बंगाल राज्य के 30-मिदनापुर संसदीय निर्वाचन क्षेत्र से लोक सभा के लिये उप-निर्वाचन।
	एस० ओ० 1414, तदैव दिनांक 9 अप्रैल, 1969।		ऊपर वाले उप निर्वाचन के बारे में तारीखों की नियुक्ति। (एस० ओ० 1413)।
	एस० ओ० 1415, तदैव दिनांक 9 अप्रैल, 1969।		ऊपर वाले उप-निर्वाचन के बारे में समय नियत करना।
131.	S.O. 1416, dated 9th April, 1969.	Election Commission of India.	Amendments in the description of the Constituencies of [Haryana.
132.	S.O. 1417, dated 10th April, 1969.	Ministry of Health and Family Planning, Works, Housing and Urban Development	Declaring (i) medical aid and treatment, (ii) the administration of hospitals, dispensaries nursing homes or other medical institutions as essential services in the Union territory of Delhi.
	S.O. 1418, dated 10th April, 1969.	Do.]	Prohibiting strikes in any service in the Union territory of Delhi Connected with medical aid and treatment, or the administration of hospitals, dispensaries, nursing homes or other medical institutions which has been declared as essential services.
133.	S.O. 1419, dated 10th April, 1969	Ministry of Irrigation and Power.	Constitution of the Krishna Water Disputes Tribunal.

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० 1420, दिनांक 10 अप्रैल, 1969।	सिचार्ड व बिजली, मंत्रालय।	कृष्णा जल विवाद अधिकरण की स्थापना।
	S.O. 1421, dated 10th April, 1969.	Ministry of Irrigation and Power.	Constitution of the Godavari Water Disputes Tribunal.
	एस० ओ० 1422, दिनांक 10 अप्रैल, 1969।	सिचार्ड व बिजली, मंत्रालय।	गोदावरी जल विवाद अधिकरण की स्थापना।
134.	S.O. 1423, dated 11th April, 1969.	Election Commission of India.	Amendment in the Notifica- tion No. 434/UP/67, dated 11th January, 1967.
	एस० ओ० 1424, दिनांक 11 अप्रैल, 1969।	भारत निर्वाचन आयोग	अधिसूचना सं० 434/30 प्र० 97, तारीख 11 जनवरी, 1967 में संशोधन।
135.	S.O. 1425/IDRA/18G/69, dated 14th April, 1969.	Ministry of Industrial Development, In- ternal Trade and Company Affairs.	The Cement Control (Amend- ment) Order, 1969.
	एस० ओ० 1426, आई० डी० आर० ए० 18 जी० 69, दिनांक 14 अप्रैल, 1969।	औद्योगिक विकास, आन्तरिक व्यापार तथा समवाय कार्य मंत्रालय।	सीमेंट नियंत्रण (संशोधन) आदेश, 1969
136.	S.O. 1427, dated 14th April, 1969.	Ministry of Labour, Employment and Re- habilitation.	Award of the National Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to M/s. Bennet Coleman & Com- pany Limited and their workmen.
137.	S.O. 1428, dated 15th April, 1969.	Ministry of Foreign Trade and Supply.	The Export of Stainless Steel Utensils (Inspection) Amend- ment Rules, 1969.
138.	S.O. 1429, dated 15th April, 1969.	Ministry of Information and Broadcasting.	Approval of the films as spe- cified in the table therein.
	एस० ओ० 1430, दिनांक 15 अप्रैल, 1969।	सूचना तथा प्रसारण मंत्रालय।	अनुसूची में दी गई फिल्मों को स्वीकृत करना।
139.	S.O. 1431, dated 15th April, 1969.	Ministry of Foreign Trade and Supply	The Export of Mica (Inspection) Amendment Rules, 1969.

Issue No.	No. and Date	Issued by	Subject
140.	S.O. 1432, dated 15th April, 1969.	Ministry of Foreign Trade and Supply.	Direction that the order first mentioned therein shall continue to have effect for a further period upto the 15th October, 1969.
141.	S.O. 1433, dated 15th April, 1969.	Do.	Appointment of certain persons specified therein to be members of the cardamom Board.
142.	S.O. 1434, dated 16th April, 1969.	Do.	Further amendment in Notification No. S.O. 3030, dated 20th September, 1965.
143.	S.O. 1435, dated 16th April, 1969.	Election Commission of India.	Calling upon the 25 Sultanpur Parliamentary Constituency in the State of Uttar Pradesh to elect a person to fill the vacancy so caused by the death of Shri Ganpat Sahai.
	S.O. 1436, dated 16th April, 1969.	Do.	Appointment of dates for the above bye-election (S.O. 1435).
	S.O. 1437, dated 16th April, 1969.	Do.	Fixation of hours for the above bye-election (S.O. 1435).
	एस० ओ० 1438, दिनांक 16 अप्रैल, 1969 ।	भारत निर्वाचन आयोग	श्री गनपत सहाय की मृत्यु हो जाने से उत्तर प्रदेश राज्य के 25 सुलतानपुर संसदीय क्षेत्र से लोक सभा में रिक्त स्थान के लिये निर्वाचन ।
	एस० ओ० 1439, दिनांक, 16 अप्रैल, 1969 ।	तद्वैद्य	उत्तर प्रदेश राज्य के 25 सुलतानपुर संसदीय निर्वाचन क्षेत्र में होने वाले उप-निर्वाचन के लिये तारीखों की नियुक्ति ।
	एस० ओ० 1440, दिनांक 16 अप्रैल, 1969 ।	तद्वैद्य	उपरोक्त निर्वाचन क्षेत्र में होने वाले उप-चुनाव के लिये समय नियत करना ।
144.	S.O. 1495, dated 16th April, 1969.	Election Commission of India.	Bye-election to the House of the People from the 13-Banskantha Parliamentary Constituency.
	एस० ओ० 1496, दिनांक 16 अप्रैल, 1969 ।	भारत निर्वाचन आयोग	13 बनसकांथा संसदीय निर्वाचन क्षेत्र से लोक सभा के लिये उप-निर्वाचन ।

ऊपर लिखे वसामाधरण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएगी । मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए ।

Copies of the Gazettes Extraordinary mentioned above will be supplied on demand to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और प्रसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 11th April 1969

S.O. 1567.—In pursuance of clause (b) of sub-section (2) of section 116C of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes for general information the judgment of the Supreme Court of India, delivered on the 12th February, 1969, in Civil Appeals Nos. 895 and 896 of 1968, filed by Shri Samant N. Balakrishna and another against the judgment and Order dated the 12th January, 1968, of the High Court of Judicature at Bombay, in Election Petition No. 6 of 1967.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeals Nos. 895 and 896 (NCE) of 1968

Samant N. Balakrishna & Anr.

Appellant.

V.

George Fernandez and Ors.

Respondents.

JUDGMENT

HIDAYATULLAH, C. J.—In the last General Election to Parliament from the Bombay South Parliamentary constituency eight candidates had offered themselves. The answering respondent Mr. George Fernandez secured 147,841 votes as against his nearest rival Mr. S. K. Patil who secured 118,407 votes. The remaining candidates secured a few thousand votes between them. The result of the poll was declared on February 24, 1967 and Mr. George Fernandez was returned. An election petition was filed by Mr. Samant N. Balakrishna, an elector in the constituency. It challenged the election of Mr. Fernandez and was ostensibly in the interest of Mr. S. K. Patil. The election petition was keenly contested and Mr. S. K. Patil gave his full support to the petition. The election petition failed and it was dismissed with an order for costs against the election petitioner and Mr. S. K. Patil. Two appeals have now been filed against the judgment of the Bombay High Court, one by the election petitioner and the other by Mr. S. K. Patil. They have been heard together and this judgment will dispose of both of them.

The petition was based on numerous grounds which were set out in paragraph 2 of the petition. These grounds were shown separately in sub-paragraphs A to J. Sub-paragraphs A to D dealt with the invalidity of the election for non-compliance with S. 62 of the Representation of the People Act and Arts. 326 and 327 of the Constitution. These concerned the secrecy of ballot (A) registering of some voters in two constituencies (B), omission of qualified voters from electoral rolls (C) and impersonation by persons for dead or absent voters (D). These four grounds were given up in the High Court itself and we need not say anything about them. Sub-paragraphs E to J contained allegations of corrupt practices. The petition was accompanied by four annexures Nos. A to D which were extracts from newspapers on which the charge of corrupt practices was based. The grounds may now be noticed in detail.

Sub-paragraph E dealt with statements made at a meeting dated February 16, 1967 at Shivaji Park by Jagadguru Shankaracharya charging Mr. S. K. Patil with complicity in arson of November 7, 1966 at New Delhi and attack on the residence of the Congress President with injuries caused to people. In these articles from

the 'Maratha' and the 'Blitz' extracts of which were quoted and annexed as Annexure A, Mr. Patil was described as hypocrite, insincere and dishonest. Similar speeches by Mr. Madhu Limaye, (another candidate of the S. S. P. by which party Mr. Fernandez was sponsored) were relied upon. The statements of Jagadguru Shankaracharya and Mr. Madhu Limaye were said to be "inspired by Mr. Fernandez" and "with his consent and for his benefit". It was said that they amounted to a corrupt practice under s. 123 (4) of the Representation of the People Act.

In Sub-paragraph F, a statement of Jagadguru Shankaracharya on cow slaughter was made the ground of attack. It was to the effect that Mr. S. K. Patil only pretended to support the anti-cow-slaughter movement but had done nothing in furtherance of it. It was contended that the cow was used as a religious symbol and the speeches offended against the Election Law as stated in section 123 (3). These statements were also said to be inspired by Mr. Fernandez and were made with his consent and for his benefit.

Sub-paragraph G referred to speeches of Mr. Fernandez and his workers with his knowledge and consent. In those speeches Mr. Fernandez is said to have described Mr. S. K. Patil as the enemy of Muslims and Christians who only professed to discourage slaughter of cows and he was charged with interfering with the articles of faith of the Muslims and Christians and seeking expulsion of Muslims to Pakistan. This was said to offend against s. 123 (3A) of the Representation of the People Act.

In sub-paragraph H it was alleged that the 'Maratha' published a false statement to the effect that Mr. S. K. Patil had paid rupees 15 lacs to Mr. Jack Sequeira to undo the efforts of Maharashtrais for incorporation of Goa in Maharashtra. The extracts from the 'Maratha' of January 25, 1967 was annexed as EX. B. The speech of Mr. H. R. Gokhale who published a similar statement, was also referred to. These were made the grounds of complaint under s. 123(4) of the Representation of the People Act.

In Sub-paragraph I four issues of the 'Maratha' of the 5th and 31st January, 1967 and 5th and 8th of February, 1967 were exhibited as Ex. C. It was stated in the first two that the Shiv Sena supported the Maharashtra traitor Sadoba Patil and that the Shiv Sena was really Sadoba Sena. A cartoon showing Mr. S. K. Patil as Vishwamitra and the leader of Shiv Sena as Menka with the caption "Sadoba denies that he has no connection with Shiv Sena like Vishwamitra Menka episode", was the third. The last of these articles was headed "harassment from Gondas of Sadoba Patil Shiv Sena in the service of Sadhshiv (S.K. Patil)". These statements were said to be false and made by the 'Maratha' in favour of respondents other than respondent No. 2 (Mr. S. K. Patil) or at any rate on behalf of Mr. Fernandez. These were said to prejudice the minority communities and thus to offend section 123(4) of the Representation of the People Act. The statements were said to be made with the knowledge and consent of Mr. Fernandez and for his benefit.

In Sub-paragraph J three issues of 'Maratha' of the 24th, 28th and 31st December 1966 were referred to. In the first it was stated that "Shri S. K. Patil will go to Sonapur in the ensuing election. Fernandez says in his Articles Patil mortgaged India's Freedom with America by entering into P. L. 480 agreement and Mr. Patil had no devotion, love, respect for this country at all." In the second Mr. Patil was described as Nagibkhan of Maharashtra. The third was a cartoon in which Shankaracharya was depicted as saying "Cow is my mother. Do not kill her" and Patil S. K. as saying "Pig is my father". These extracts were annexed as Ex. D. Then followed a paragraph in which was said: "Similar false statements in relation to Respondent No. 2's character and conduct were published in several issues of Maratha Daily" from December 12, 1966 to February 21, 1967 and 33 issues were mentioned by date. These were also said to be Ex. D.

This was the original material on which the petition filed on April, 7, 1967 was based. Mr. Fernandez filed his written statement on June 14, 1967 and Mr. S. K. Patil on July 4, 1967. Later five amendments were asked for. By the first amendment, which was orally asked and allowed, reference to the 33 articles was altered and they were said to be contained in Ex. E instead of Ex. D. Ex. E was then introduced and gave the list of 33 articles in the 'Maratha' and one article in the Blitz, and the extracts on which reliance was placed. On July 4, 1967 an application for amendment was made seeking to add to Sub-paragraphs 2-K and 2-L. 2-K is not pressed now and need not be mentioned. By 2-L the petitioner asked for addition to the list of corrupt practices of a reference to an article dated November 3, 1966 in the Blitz. This article was written by Mr. Fernandez. On September

12, 1967, an application was made for seven additions to paragraph 2J. Seven incidents were sought to be included. Of these four were ordered by the Court to be included in 2-J on September 15, 1967 as Sub-sub-paragraphs (i) to (iv) and three were rejected. In the first of the Sub-sub-paragraphs so included, a speech at a public meeting at Shivaji Park by Mr. Fernandez on January 31, 1967 was pleaded in which Mr. Fernandez is said to have made a statement that even God could not defeat the second respondent Mr. S. K. Patil because unlike the second respondent God was not dishonest. It was also alleged that Mr. S. K. Patil won elections by "tampering with the ballot boxes or substituting the same." These statements were said to be made by Mr. Fernandez deliberately and maliciously and that he believed them to be false or did not believe them to be true. The report of the speech was quoted from the 'Maratha' of February 1, 1967 and was included as part of Ex. E. In the second Sub-sub-paragraph a Press Conference at Bristol Grill Restaurant on February 9, 1967 addressed by Mr. Fernandez was referred to. At that Conference Mr. Fernandez charged Mr. S. K. Patil with "unfair and unethical electioneering practices" and as illustrations of his methods mentioned the release of 70 dangerous characters from jail on parole and the suspension of externment orders against some and the allowing of some other externed persons to return, were alleged. It was also said that these persons were being used by Mr. Patil in his campaigning. Extracts from the issues of the 'Maratha' of the 10th and 11th February, 1967 was referred to. At that meeting, it was alleged, Mr. Fernandez described Mr. Patil as an "American Agent, Dada of Capitalists and Creator of Shiv Sena. All these statements were said to be false and to reflect upon personal character and conduct of Mr. Patil and thus to be corrupt practices under s. 123(4) of the Representation of the People Act. In the fourth paragraph a meeting of January 8, 1967 at Chowpati, presided over by Mr. Fernandez was referred to. Mr. Madhu Limaye was said to have addressed that meeting and referred to the incident of November 7, 1966. These statements were also said to be false and to materially affect the prospects of Mr. Patil. In this Sub-sub-paragraph it was also alleged that Mr. P. K. Atre, Editor and Proprietor of the 'Maratha', Jagadguru Shankaracharya and Mr. Madhu Limaye were agents of Mr. Fernandez and had made these statements in his interest and with his consent.

The petitioner also asked for addition of three other grounds of corrupt practices, which the Court did not allow to be included. Paragraph 2-L to which we have referred was an article by Mr. Fernandez. It was captioned as a fight against "political thuggery" and included the following passage which was made the basis of the following charge:

"These men (including the 2nd Respondent) from the hard core of the coterie which control the destinies of the nation, even decide who should be the Prime Minister and who should not be, hounds out the few honest Congressmen from Public life, props up the Aminchand Pyarelala and Chamanlal and supports them in all their misdeeds and puts a premium on dishonest businessmen and industrialists."

This allegation was said to suggest dishonesty in Mr. Patil. The other amendments which were disallowed referred to a speech at Dr. Vigas Street on February 27, 1967, a speech by Dr. Lohia at Chowpati on January 1, 1967 published in 'Ardolan' of January 9, 1967 and a Press Conference by Mr. Madhu Limaye at Bristol Grill Restaurant on December 10, 1966.

Prior to the application for amendment certain events had happened to which it is necessary to refer. On April 7, 1967 the office objected that the originals of Exs. A, B, C and D had not been filed. The remark of the office is as follows:—

"Exhibits A, B, C, D are more repetitions of what is mentioned in the body of the petition. Is it not necessary to annex the original copies of the said newspaper?"

Mr. Kanuga, one of the Advocates for the petitioner replied to the objections as follows:

"We undertake to file the original issues and official translations later as the same is (sic) with the Chief translator, High Court, Bombay before the service of Writ of Summons".

Till July 3, 1967 no effort seems to have been made to file the original. On that date the 'Rozanama' read as follows:—

"Mr. Jathmalani applies for leave to amend the petition by pointing out that 'D' in last sentence of paragraph 2 on page 12 of the petition

be corrected and read as 'E' and to annex reports in original P. C. leave to amend granted."

The issues were settled on the same day and particulars were asked for. On July 7, 1967 the 'Rozanama' read as follows:

"Mr. Gurushani tenders the original of the exhibits A(Coll) mentioned in para 2J of page 11 of the petition."

A chamber summons was taken out because the particulars were not supplied and on August 4, 1967 the particulars were furnished. It was then on September 12, 1967 that the application for seven amendments was made, four of which were allowed and three were rejected. This was by an order dated September 15, 1967.

Before dealing with this appeal it is necessary to clear the question of the amendments and whether they were properly allowed. This question consists of two parts; the first is one of fact as to what was exhibited with the petition as materials on which the petition was based. The case of the petitioner before us is that in support of 2J copies of relevant newspapers were filed with the petition. This is denied on behalf of the answering respondent.

Mr. Daphtary's contention is that if the originals of the 'Maratha' had not been filed an objection would have been taken in the court and none was taken. Even witnesses were examined and cross-examined with reference to the statements and the originals must have been in court. This, in our opinion, is not decisive. The first witness to be examined was the petitioner himself. Evidence commenced on August 25, 1967. The petitioner proved the copies of the newspapers and they were marked as exhibits. By that date the copies of the 'Maratha' had already been filed and the petitioner in his evidence referred to all of them. The cross-examination, therefore, also referred to these documents. Nothing much turns upon the want of objection because (as is well-known) objection is not taken to some fatal defect in the case of the other side since the party, which can take the objection, wants to keep it in reserve. It is true that if the objection had been taken earlier and had been decided the petitioner would have had no case to prove on the new allegations and might not have led some evidence. But we cannot hold from this that any prejudice was caused to him. After all it was his responsibility to complete his allegations in the petition by inclusion of the copies of the 'Maratha' and the other side cannot be held to have waived its objection since that objection was in fact raised and has been answered in the High Court. The Rozanamas clearly show that the copies of the 'Maratha' were not filed with the election petition but much later and in fact beyond the period of limitation. Mr. Daphtary characterises the Rozanamas as inaccurate but the internal evidence in the case shows that the Rozanamas were correctly recorded.

The petition quoted some of the offending statements in the newspapers and exhibited them as Exs. A to D. In the petition these 10 extracts are to be found in sub-paragraphs 2E, H, I and J. The change of Exs. D to E and the filing of E show that the extracts which were with the translator were referable to those extracts already mentioned in the petition and not those mentioned in the last paragraph of 2J. It will be noticed that that paragraph refers to 33 numbers of the 'Maratha'. Extracts from those were furnished only on July 3, 1967 when Ex. E was separately filed and according to the Rozanama, the originals were filed on July 7, 1967. Mr. Kanuga could not have referred to all the 33 issues of the 'Maratha'. Only 10 extracts from the 'Maratha' were in Exs. A to D and of these eight are included in the list of 33 numbers of the 'Maratha' in the last paragraph of 2J. If they were already filed, Mr. Kanuga would have said so and not promised to file them later. He mentions in his note that they were with the translation department and would be filed later. If all the 33 issues of the 'Maratha' were already filed there would be no occasion for the office objection and the reply of Mr. Kanuga could apply to two numbers only. They were the issues of 25th January and 5th February, 1967. The office noting shows that not a single original was filed with the petition. This appears to us to be correct. We are satisfied that 10 issues of the 'Maratha' from which extracts were included in the petition in Exs. A to D were the only numbers which were before the translator. Mr. Kanuga's remark applies to these 10 issues. The other issues which were mentioned in the last paragraph of 2J numbering 33 less 8 were neither in the translator's office nor exhibited in the case. Hence the amendment of the second reference from D to E and the request to file original issues.

It seems that when the petition was filed a list was hurriedly made of all the issues of the 'Maratha' to which reference was likely and that list was included in the last portion of 2J. But no attempt was made either to specify the offending portions of the newspapers or to file the extracts of the original issues. All this was done after the period of limitation. No incorporation of the contents of the articles by reference can be allowed because if a newspaper is not exhibited and only the date is mentioned, it is necessary to point out the exact portion of the offending newspaper to which the petition refers. This was not done. We have to reach this conclusion first because once we hold that the issues of the 'Maratha' or the extracts referred to in the petition were not filed, the plea as to what was the corrupt practice is limited to what was said in the body of the petition in paragraph 2J and whether it could be amended after the period of limitation was over. The attempt today is to tag on the new pleas to the old pleas and in a sense to make them grow out of the old pleas. Whether such an amendment is allowable under the Election Law is therefore necessary to decide.

Mr. Daphtary arguing for the appellant contends that he was entitled to the amendment since this was no more than an amplification of the grounds of corrupt practice as defined in section 123(4) and that the citation of instances or giving of additional particulars of which sufficient notice already existed in 2J as it originally stood, is permissible. According to him, under section 100 the petition has to show grounds and under section 83 there should be a concise statement of material facts in support of the ground and full particulars of any corrupt practice alleged. He submits that under section 83(5) particulars can be amended and amplified, new instances can be cited and it is an essence of the trial of an election petition that corrupt practices should be thoroughly investigated. He refers us to a large body of case law in support of his contention.

On the other hand, Mr. Chari for Mr. Fernandez contends that there was no reference to the speeches by Mr. Fernandez in the petition. The cause of action was in relation to the publication in the 'Maratha' and not in relation to any statement of Mr. Fernandez himself and that the amendment amounts to making out a new petition after the period of limitation.

To decide between these rival contentions it is necessary to analyse the petition first. Paragraph 2J as it originally stood read as follows:

"The petitioner says that false statements in relation to character and conduct of the Respondent No. 2 were made by the 1st Respondent and at the instance and connivance of the 1st Respondent, Maratha published the following articles, as set out hereinafter. The petitioner says that the said allegations are false and have been made with a view to impair and affect the prospects of Respondent No. 2's elections to Lok Sabha. Some of the extracts are: etc."

(Emphasis added).

Here three issues of the 'Maratha' of 24th, 28th and 31st December, 1966 were referred to. Of the extracts, the last two make no reference to Mr. Fernandez. The first spoke thus:

"Maratha Dated 24th December, 1966. Pages 1 and 4. "Shri S. K. Patil will go to Sonapur in the ensuing election. Fernandez says in his Articles Patil mortgaged India's Freedom with America by entering into P. L. 480 agreement and Mr. Patil had no devotion love, respect for this country at all."

Then followed this paragraph:

"Similar false statements in relation to Respondent No. 2 character and conduct were published in Maratha Daily dated 12th December, 1966, 17th December, 23rd December, 24th December, 28th, 29th and 31st December issues, January issues dated 4, 5, 7th 10th, 18th, 20th, 21st, 28th, 30th and 31st. February issues, 1st, 2nd, 3rd, 6th, 7th, 8th, 10th, 11th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st..... These reports in original are filed and true translation are marked Ex. D to the petition."

We have already held that the newspapers mentioned in the past paragraph were not filed with the petition but on April 7, 1967, after the period of limitation was

over. The allegations thus were that Mr. Fernandez made the false statements and they were published in the 'Maratha' at his instance and with his connivance. There is no mention of any speech at Shivaji Park, or at Sabu Siddik Chowk or at Dr Vigas Street or the press interview at Bristol Grill Restaurant. All these statements which are now referred to were said to be made by Mr. Fernandez himself. By the amendment a charge of corrupt practice was sought to be made for the first time in this form. In the original petition (sub-paragraph 2J) there was no averment that Mr. Fernandez believed these statements to be false or that he did not believe them to be true and this was also sought to be introduced by an amendment. It may, however, be mentioned that in an affidavit which accompanied the election petition this averment was expressly made and the appellants desire us to read the affidavit as supplementing the petition. By another application for amendment the petitioner sought to add a paragraph that the 'Maratha', Jagadguru Shankaracharya and Mr. Madhu Limaye were agents of Mr. Fernandez within the Election Law. By yet another application reference to an article in the 'Blitz' was sought to be included as Sub-paragraph 21.

At the conclusion of the arguments on this part of the case we announced our decision that the amendment relating to the speeches of Mr. Fernandez at Shivaji Park, Sabu Siddik Chowk and Dr. Vigas Street and his Press Conferences at Bristol Grill Restaurant and the article in the 'Blitz' ought not to have been allowed but that the amendment relating to the agency of the 'Maratha' etc. and that seeking to incorporate the averment about the lack of belief of Mr. Fernandez were proper. We reserved our reasons which we now proceed to give.

The subject of the amendment of an election petition has been discussed from different angles in several cases of the High Courts and this Court. Each case, however, was decided on its own facts, that is to say, the kind of election petition that was filed, the kind of amendment that was sought, the stage at which the application for amendment was made and the state of the law at the time and so on. These cases do furnish some guidance but it is not to be thought that a particular case is intended to cover all situations. It is always advisable to look at the statute first to see alike what it authorises and what it prohibits

Section 81* of the Representation of the People Act, 1951 enables a petitioner to call in question any election on one or more of the grounds specified in section 100(1) and section 101 of the Act. The petition must be made within 45 days from the date of election. Sections 100 and 101 enumerate the kind of charges which, if established, lead to the avoidance of the election of a returned candidate and the return of some other candidate. The first sub-section of

****81. Presentation of petitions.**

- (1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of section 100 and section 101 to the High Court by any candidate at such election or any elector within forty-five days from, but not earlier than, the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates.

Explanation.—In this sub-section, "elector" means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) *

- (3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition."

Section 100* lays down the grounds for declaring an election to be void. These include corrupt practices committed by the candidate, his election agent and any person with the consent of the returned candidate or his election agent. The second sub-section lays down an additional condition which must be satisfied before the election can be declared to be void even though the corrupt practice is committed by an agent other than the election agent. Section 101† sets forth the grounds on which a candidate other than the returned candidate may be declared to have been elected. Section 101 actually does not add to the grounds in section 100 and its mention in section 81 seems somewhat inappropriate. Sections 100 and 101 deal with the substantive law on the subject of elections. These two sections circumscribe the conditions which must be established before an election can be declared void or another candidate declared elected.

*"100. Grounds for declaring election to be void.

(1) Subject to the provisions of sub-section (2) if the High Court is of opinion—

- (a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or this Act or the Government of Union Territories Act, 1963, or
- (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
- (c) that any nomination has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected,
 - (i) by the improper acceptance of any nomination, or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, or
 - (iii) by the improper reception refusal or rejection of any vote or the reception of any vote which is void, or
 - (iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,

the High Court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the High Court, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the High Court is satisfied—

- (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;

- (c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election and

- (d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the High Court may decide that the election of the returned candidate is not void."

†"101. Grounds for which a candidate other than the returned candidate may be declared to have been elected.

if any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the High Court is of opinion—

- (a) that in fact the petitioner or such other candidate received a majority of the valid votes; or
- (b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes,

the High Court shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected."

The heads of substantive rights in section 100(1) are laid down in two separate parts; the first dealing with situations in which the election must be declared void on proof of certain facts, and the second in which the election can only be declared void if the result of the election in so far as it concerns the returned candidate, can be held to be materially affected on proof of some other facts. Without attempting critically to sort out the two classes we may now see what the conditions are. In the first part they are that the candidate lacked the necessary qualification or had incurred disqualification, that a corrupt practice was committed by the returned candidate, his election agent or any other person with the consent of a returned candidate or his election agent or that any nomination paper was improperly rejected. These are grounds on proof of which by evidence the election can be set aside without any further evidence. The second part is conditioned that the result of the election, in so far as it concerns a returned candidate, was materially affected by the improper acceptance of a nomination or by a corrupt practice committed in his interest by an agent other than an election agent or by the improper reception, refusal or rejection of votes or by any non-compliance with the provisions of the Constitution or of the Representation of the Peoples Act or rules or orders made under it. This condition has to be established by some evidence direct or circumstantial. It is, therefore, clear that the substantive right to make an election petition are defined in these sections and the exercise of the right to petition is limited to the grounds specifically mentioned.

Pausing here, we may view a little more closely the provisions bearing upon corrupt practices in S. 100. There are many kinds of corrupt practices. They are defined later in S. 123 of the Act and we shall come to them later. But the corrupt practices are viewed separately according as to who commits them. The first class consists of corrupt practices committed by the candidate or his election agent or any other person with the consent of the candidate or his election agent. These, if established, avoid the election without any further condition being fulfilled. Then there is the corrupt practice committed by an agent other than an election agent. Here an additional fact has to be proved that the result of the election was materially affected. We may attempt to put the same matter in easily understandable language. The petitioner may prove a corrupt practice by the candidate himself or his election agent or someone with the consent of the candidate or his election agent, in which case he need not establish what the result of the election would have been without the corrupt practice. The expression "Any other person" in this part will include an agent other than an election agent. This is clear from a special provision later in the section about an agent other than an election agent. The law then is this: If the petitioner does not prove a corrupt practice by the candidate or his election agent or another person with the consent of the returned candidate or his election agent but relies on a corrupt practice committed by an agent other than an election agent, he must additionally prove how the corrupt practice affected the result of the poll. Unless he proves the consent to the commission of the corrupt practice on the part of the candidate or his election agent he must face this additional burden. The definition of agent in this context is to be taken from S. 123 (Explanation) where it is provided that an agent "includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate." In this explanation the mention of "an election agent" would appear to be unnecessary because an election agent is the alter ego of the candidate in the scheme of the Act and his acts are the acts of the candidate, consent or no consent on the part of the candidate.

Having now worked out the *substantive rights* to the making of the petition, we may now proceed to see what the corrupt practices are. Since we are concerned only with one such corrupt practice, we need not refer to all of them. For the purpose of these appeals it is sufficient if we refer to the fourth sub-section of S. 123. It reads:

"123. The following shall be deemed to be corrupt practice for the purposes of the Act:—

* * * * *

- (4) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

This corrupt practice may be committed by:

- (a) the candidate;
- (b) his agent, that is to say—
 - (i) an election agent,
 - (ii) a polling agent,
 - (iii) any person who is held to have acted as an agent in connection with the election with the consent of the candidate;
- (c) by any other person with the consent of the candidate or his election agent.

We are concerned in this appeal with (a) and (b) (iii) mentioned in our analysis. In the original petition the allegations were made on the basis of corrupt practices committed by a person alleged to have acted as an agent with Mr. Fernandez's consent. In the amendment application the allegation is that the candidate himself committed the corrupt practice under this sub-section.

As we pointed out earlier the difference between the original petition and the amendments will lie in the degree of proof necessary to avoid the election. If the corrupt practice is charged against an agent other than the election agent, a further burden must be discharged, namely, that the result of the election was materially affected. If, however, the corrupt practice is charged against the candidate personally (there is no election agent involved here), this further proof is not required. Another difference arises in this way. In S. 100(1) (b) the word 'agent' is not to be found. Therefore an agent other than an election agent will fall to be governed by the expression 'any other person'. To get the benefit of not having to prove the effect of the corrupt practice upon the election the consent of the candidate or his election agent to the alleged practice will have to be established.

Again for the establishment of the corrupt practice under S. 123(4), from whatever quarter it may proceed, the election petitioner must establish:

- (a) publication of a statement of fact, and
- (b) the statement is false or the person making it believes it to be false or does not believe it to be true, and
- (c) that the statement refers to the personal character and conduct of the candidate, and
- (d) is reasonably calculated to prejudice the candidate's prospects.

It appears, therefore, that it is a question of different burdens of proof as to whether the offending statement was made by the candidate himself or by an agent other than an election agent.

Having dealt with the substantive law on the subject of election petitions we may now turn to the procedural provisions in the Representation of the People Act. Here we have to consider sections 81, 83 and 86 of the Act. The first provides the procedure for the presentation of election petitions. The proviso to sub-section alone is material here. It provides that an election petition may be presented on one or more of the grounds specified in sub-section (1) of S. 100 and S. 101. That as we have shown above creates the substantive right. Section 83 then provides that the election petition must contain a concise statement of the material facts on which the petitioner relies and further that he must also

Section 83: (1) An election petition—

- (a) shall contain a concise statement of the material facts on which the petitioner relies;
- (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings;

(Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.)

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

set forth full particulars of any corrupt practice that the petitioner alleges including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice. The section is mandatory and requires first a concise statement of material facts and then requires the fullest possible particulars. What is the difference between material facts and particulars? The word 'material' shows that the facts necessary to form a complete cause of action must be stated. Omission of a single material fact leads to an incomplete cause of action and the statement of claim becomes bad. The function of particulars is to present as full a picture of the cause of action with such further information in detail as to make the opposite party understand the case he will have to meet. There may be some overlapping between material facts and particulars but the two are quite distinct. Thus the material facts will mention that a statement of fact (which must be set out) was made and it must be alleged that it refers to the character and conduct of the candidate that it is false or which the returned candidate believes to be false or does not believe to be true and that it is calculated to prejudice the chances of the petitioner. In the particulars the name of the person making the statement, with the date, time and place will be mentioned. The material facts thus will show the ground of corrupt practice and the complete cause of action and the particulars will give the necessary information to present a full picture of the cause of action. In stating the material facts it will not do merely to quote the words of the section because then the efficacy of the words 'material facts' will be lost. The fact which constitutes the corrupt practice must be stated and the fact must be correlated to one of the heads of corrupt practice. Just as a plaint without disclosing a proper cause of action cannot be said to be a good plaint, so also an election petition without the material facts relating to a corrupt practice is no election petition at all. A petition which merely cites the sections cannot be said to disclose a cause of action where the allegation is the making of a false statement. That statement must appear and the particulars must be full as to the person making the statement and the necessary information. Formerly the petition used to be in two parts. The material facts had to be included in the petition and the particulars in a schedule. It is inconceivable that a petition could be filed without the material facts and the schedule by merely citing the corrupt practice from the statute. Indeed the penalty of dismissal summarily was enjoined for petitions which did not comply with the requirement. Today the particulars need not be separately included in a schedule but the distinction remains. The entire and complete cause of action must be in the petition in the shape of material facts, the particulars being the further information to complete the picture. This distinction is brought out by the provisions of section 86 although the penalty of dismissal is taken away. Sub-section (5) of that section provides:

- (5) "The High Court may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition."

The power of amendment is given in respect of particulars but there is a prohibition against an amendment "which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition." One alleges the corrupt practice in the material facts and they must show a complete cause of action. If a petitioner has omitted to allege a corrupt practice, he cannot be permitted to give particulars of the corrupt practice. The argument that the latter part of the fifth sub-section is directory only cannot stand in view of the contrast in the language of the two parts. The first part is enabling and the second part creates a positive bar. Therefore, if a corrupt practice is not alleged, the particulars cannot be supplied. There is however a difference of approach between the several corrupt practices. If for example the charge is bribery of voters and the particulars give a few instances, other instances can be added; if the charge is use of vehicles for free carriage of voters, the particulars of the cars employed may be amplified. But if the charge is that an agent did something, it cannot be amplified by giving particulars of acts on the part of the candidate or vice versa. In the scheme of election law they are separate corrupt practices which cannot be said to grow out of the material facts related to another person. Publication of false statements by an agent is one cause of action. Publication of false statements by the candidate is quite a different cause of action.

Such a cause of action must be alleged in the material facts before particulars may be given. One cannot under the cover of particulars of one corrupt practice give particulars of a new corrupt practice. They constitute different causes of action.

Since a single corrupt practice committed by the candidate, by his election agent or by another person with the consent of the candidate or his election agent is fatal to the election, the case must be specifically pleaded and strictly proved. If it has not been pleaded as part of the material facts, particulars of such corrupt practice cannot be supplied later on. The bar of the latter part of the fifth subsection to S. 36 then operates. In the petition as originally filed the agency of Jagadguru Shankaracharya, Mr. Madhu Limaye and the Maratha (or Mr. Atray) was the basis of the charge and the candidate Mr. Fernandez was left out. No allegation was personally made against him. The only allegations against him personally were contained in paragraph 2G. There it was said that Mr. Fernandez had made certain speeches to the effect that Mr. Patil was against the Muslims and Christians. No evidence was led and they were not even referred to at the hearing before us. The next reference in 2J is to statements of Mr. Fernandez and published by the Maratha. These were specified and only three such statements were included. Since the gist of the election offence is the publication of false statements, the charge is brought home to the candidate through the publication by the Maratha. It is to be remembered that even the allegation that in doing so the Maratha acted as the agent of Mr. Fernandez, itself came by way of an amendment which we allowed as it completed the cause of action and is permissible. The bar of section 86(5) (latter part) does not apply to it and under Order VI rule 17 of the Code of Civil Procedure which is applicable as far as may be, such an amendment can be made. Similarly the allegations that such statements were false or were believed to be false or were not believed to be true by the Maratha (i.e., Mr. Atray) and that they were calculated to prejudice Mr. Patil's chances and did so, were allowed by us to be added as completing the cause of action relating to a corrupt practice already alleged. But we declined to allow to stand the amendments which had the effect of introducing new corrupt practices relating to the candidate himself which had not been earlier pleaded. This kind of amendment is prohibited under the law when the amendment is sought after the period of limitation.

The learned judge in the High Court did not keep the distinction between material facts and particulars in mind although the language of the statute is quite clear and makes a clear cut division between the two. He seems to have been persuaded to such a course by a reading of the rulings of this Court and the High Courts. These same rulings were presented before us and we may now say a few words about them.

The learned Judge in the High Court has relied upon *Harish Chandra Bajpai v. Triloki Singh* (1) and deduced the proposition that where the petition sets out the corrupt practice as a ground, instances of the corrupt practices may be added subsequently and even after the period of limitation of filing the petition is over. Following that case the learned Judge has allowed the amendments as corrupt practice under S. 123(4) was alleged in the original petition. We shall come to that case last of all. It seems to have played a great part in moulding opinion in India on the subject of amendment of pleadings in the Election Law.

To begin with it must be realised that as is stated in *Jagan Nath Vs. Jaswant Singh and others* (2) the statutory requirements of the law of Election in India must be strictly observed. It is pointed out in that case that an election contest is not an action at law or a suit in equity but a purely statutory proceeding unknown to common law and that the court possesses no common law power. Although the power of amendment given in the Code of Civil Procedure can be invoked because section 87 makes the procedure applicable, as nearly as may be to the trial of election petitions, the Representation of the People Act, itself enacts some rules which override the Civil Procedure Code. General power of amendment or the power derived from the Code of Civil Procedure must be taken to be overborne in so far as the election law provides. In a large number of cases it has been laid down by the High Courts in India that the material facts, must make out a charge and it is only then that an amendment to amplify the charge can be allowed or new instances of commission of corrupt practice charged can be given. If no charge is made out in the petition at all the addition of particulars cannot

(1) (1957) S.C.R. 370.

(2) (1954) S.C.R. 892—895.

be allowed to include indirectly a new charge. This was laid down in *Din Dayal Vs. Beni Prasad and another*⁽³⁾, *Balwan Singh Vs. Election Tribunal Kapur and others*⁽⁴⁾ by the Allahabad High Court, in *T. L. Sasivarna Thevar Vs. V. Arunagiri and others*⁽⁵⁾ by the Madras High Court and in *Hari Vishnu Kamath Vs. Election Tribunal, Jaipur and another*⁽⁶⁾ by the Madhya Pradesh High Court. All these cases rely upon *Harish Chandra Bajpai's* case to which we have referred. *Harish Chandra Bajpai's* case was based on an English case *Beal vs. Smith*. In that case it was held that under the Parliamentary Election Act of 1968 it was enough to allege generally in the petition that "the respondent by himself and other persons on his behalf was guilty of bribery, treating and undue influence before, during and after the election." A summon was taken out calling upon the petitioner to deliver better particulars of "other persons." Willes J. after consulting Martin B. and Blackburn J. ordered better particulars. It was contended that the petition should be taken of the file since the particulars were lacking. Section 20 of that Act only provided that an election petition should be in such form and should state such matters as may be prescribed. Rule 2 prescribed that the petition should state (i) the right of the petitioner to petition and (ii) and should state the holding and result of the election and then should briefly state such facts and grounds relied on to sustain the prayer. Rule 5 prescribed the form which required facts to be stated. Bovill C.J., said that the form of the petition was proper and it was quite useless to state anything further. But in *Bruce v. Odhams Press Ltd.*⁽⁷⁾ the Court of Appeal distinguished 'material' facts' from 'particulars' as they occurred in Order XIX of the Rules of the Supreme Court of England. The words there were material facts and particulars and the distinction made by Scott L.J. bears out the distinction we have made between 'material facts' and 'particulars' as used in s. 83 of our statute. The same view was also expressed in *Phillips vs. Phillips*⁽⁸⁾. The observations of Brett L. J. in that case also bear out the distinction which we have made.

It appear that this distinction was not brought to the notice of this Court in *Harish Chandra Bajpai's* case. The rules on the subject of pleadings in the English statute considered in *Beal's* case were differently. We have in our statute an insistence on a concise statement of material facts and the particulars of corrupt practice alleged. These expressions we have explained. However, it is not necessary to go into this question because even on the law as stated in *Harish Chandra Bajpai's* case the amendment allowed in this case cannot be upheld. We shall now notice *Harish Chandra Bajpai's* case a little more fully.

In that case the material allegation was that the appellants "could in the furtherance of their election enlist the support of certain government servants" and that the appellant No. 1 had employed two persons in excess of the prescribed number for his election purposes. No list of corrupt practices was attached. Thereafter names were sought to be added. The amendment was allowed by the Tribunal after the period of limitation and the addition was treated as mere particulars. It was held by this Court that an election petition must specify "grounds or charges" and if that was done then the particulars of the ground or charges could be amended and new instances given but no new ground or charge could be added after the period of limitation. The reason given was that the amendment "introducing a new charge" altered the character of the petition. Venkataraman Iyyer J. emphasised over and over again that new instances could be given provided they related to a 'charge' contained in the petition. The result of the discussion in the case was summarised by the learned Judge at page 392 as follows:

- "(1) Under s. 83(3) the Tribunal has power to allow particulars in respect of illegal or corrupt practices to be amended, provided the petition itself specifies the grounds or charges, and this power extends to permitting new instances to be given.
- (2) The Tribunal has power under G IV, r. 17 to order amendment of a petition, but that power cannot be exercised so as to permit new grounds or charges to be raised or to so alter its character as to make it in substance a new petition, if a fresh petition on those allegations will then be barred."

(3) 15 E.L.R. 131.

(4) 15 E.L.R. 199.

(5) 17 E.L.R. 313.

(6) 14 E.L.R. 147.

(7) L.R. 4 C.P. 115.

(8) (1936) 1 K.B. 697.

(9) (1878) 4 Q.B.D. 127.

What is meant by 'ground or charge' was not stated. By "ground" may be meant the kind of corrupt practice which the petitioner alleges but by the word "charge" means inclusion of some material facts to make out the ground. Applying the same test (although without stating it) the learned Judge pointed out that the charge made in the petition was that the appellants could in furtherance of their election enlist the support of certain government servants and it meant only an ability to enlist support but the 'charge' which was sought to be levelled against the candidate later was that he had in fact enlisted the said support. The learned Judge observed at page 393 as follows:

'the charge which the respondent sought to level against the appellants was that they moved in public so closely with high dignitaries as to create in the minds of the voters the impression that they were favoured by them. We are unable to read into the allegations in para 7(c) as originally framed any clear and categorical statement of a charge under s. 123(8), or indeed under any of the provisions of the Election law."

The allegation in the statement was described as worthless and further it was observed at page 395 as follows.

"But even if we are to read "could" in para 7(c) as meaning "did", it is difficult to extract out of it a charge under s. 123(8). The allegation is not clear whether the Government servants were asked by the appellants to support their candidature, or whether they were asked to assist them in furtherance of their election prospects, and there is no allegation at all that the Government servants did, in fact, assist the appellants in the election. On these allegations, it is difficult to hold that the petition in fact raised a charge under s. 123(8). It is long jump from the petition as originally laid to the present amendment, wherein for the first time it is asserted that certain Mukhtas—no Mukhtas are mentioned in the petition—assisted the appellants in furtherance of their election prospects, and that thereby the corrupt practice mentioned in s. 123(8) had been committed. The new matters introduced by the amendment so radically alter the character of the petition as originally framed as to make it practically a new petition, and it was not within the power of the Tribunal to allow an amendment of that kind."

It would appear from this that to make out a complete charge the facts necessary must be included in relation to a 'ground' as stated in the Act. Merely repeating the words of the statute is not sufficient. The petitioner must specify the ground i.e. to say the nature of the corrupt practice and the facts necessary to make out a charge. Although it has been said that the charge of corrupt practice is in the nature of quasi criminal charge, the trial of an election petition follows the procedure for the trial of a civil suit. The charge which is included in the petition must, therefore, specify the material facts of which the truth must be established. This is how the case was understood in numerous other cases, some of which we have already referred. In particular *Sec. J. Devaiah v. Nagappa and others*, 1965 Mysore, 102 and *Babul Sharma v. Brijnarain Brajesh* (9) and *others* 1958 Madhya Pradesh 175 F.B.

Three other cases of this Court were also cited. In *Chandi Prasad Chokhani v. State of Bihar* (10) it was held that the powers of amendment were extensive but they were controlled by the law laid down in the Representation of the People Act. It was again emphasised that a new ground or charge could not be made the ground of attack as that made a new petition. In *Bhim Sen v. Gopal and others* (11) the scope of *Harish Chandra Bajpai's* case was considered and its narrow application was pointed out. Indeed in that case the observations in *Harish Chandra Bajpai's* case were not followed to the utter most limit. In *Sheopat Singh vs. Ram Pratap* (12) the only allegation was that the appellant (*Hariram*) got published through him and others a statement but there was no allegation that *Hariram* believed the statement to be false or did not believe it to be true. It was held that in the absence of such averment it could not be held that there was an allegation of corrupt practice against *Hariram*. The publication with guilty knowledge was equated to a kind of *mens rea* and this was considered a necessary ingredient to be alleged in the petition.

(10) (1962) 2 S.C.R. 289.

(11) 22 E.L.R. 288.

(12) (1965) 1 S.C.R. 175.

From our examination of all cases that were cited before us we are satisfied that an election petition must set out a ground or charge. In other words, the kind of corrupt practice which was perpetrated together with material facts on which a charge can be made out must be stated. It is obvious that merely repeating the words of the statute does not amount to a proper statement of facts and the section requires that material facts of corrupt practices must be stated. If the material facts of the corrupt practice are stated more or better particulars of the charge may be given later, but where the material facts themselves are missing it is impossible to think that the charge has been made or can be later amplified. This is tantamount to the making of a fresh petition.

Reverting thereof to our own case we find that the allegation in paragraph 2J was that Mr. Fernandez made some statements and the 'Maratha' published them. Extracts from the 'Maratha' were filed as Exhibits. Since publications of a false statement is the gist of an election offence the charge was against the 'Maratha'. If it was intended that Mr. Fernandez should be held responsible for what he said then the allegation should have been what statement Mr. Fernandez made and how it offended the election law. In 2J itself only three statements were specified and two of them had nothing to do with Mr. Fernandez and the third was merely a news item which the 'Maratha' had published. There was no reference to any statement by Mr. Fernandez himself throughout the petition as it was originally filed. In fact there was no charge against Mr. Fernandez which could have brought the case within s. 101(b) of the Act. The attempt was only to make out the case under s. 101(d) against the 'Maratha' (or Mr. Atrey could be held to be an agent or not. The trial Judge was also satisfied in the amendments.

The result is that the case gets confined to that of a candidate responsible for the acts of his agent. In the argument before us Mr. Chari for Mr. Fernandez conceded the position that Mr. Atrey could be treated as the agent of Mr. Fernandez. We are therefore relieved of the trouble of determining whether Mr. Atrey could be held to be an agent or not. The trial Judge was also satisfied that Mr. Atrey could be held to have acted as the agent of Mr. Fernandez. The case as originally pleaded fell within s. 101(d) with the additional burden. Although Mr. Daphtary was content to prove that the consent of Mr. Fernandez was immaterial as the corrupt practice of his agent was equally fatal to the election and attempted to prove his case under s. 100(1) (d) of the Act. Mr. Jethamalani who took over the argument from him contended that the case fell to be governed by s. 101(b) i.e. to say of any person who did the act with the consent of Mr. Fernandez. It is therefore necessary to pause here to decide whether Mr. Atrey had the consent of Mr. Fernandez to the publications in his newspaper.

The difference between Mr. Daphtary's argument and that of Mr. Jethamalani lies in this. In the later the consent of the candidate must be proved to each corrupt practice alleged, in the former there is only need to prove that a person can be held to have acted as an agent with the consent of the candidate. An agent in this connection is not one who is an inter meddler but one acting with the consent, express or implied, of the candidate. According to Mr. Jethamalani when an agent works regularly for a candidate the consent to all his acts must be presumed and he contends that the court was wrong in requiring proof of prior consent to each publication. On the other hand, Mr. Chari's case is that when Mr. Atrey acted as an agent and when he did not act as an agent, is a question to be considered in respect of each publication in the 'Maratha'. According to him it is not sufficient merely to say that Mr. Atrey was an agent because Mr. Atrey was also editor of the newspaper and in running his newspaper his activities were his own and not on behalf of Mr. Fernandez. Mr. Jethamalani relies strongly upon the case of *Rama Krishna (C.A. No. 1949 of 1967 decided on April 23, 1968)* and *Inder Lal Yugal Kishore vs. Lal Singh*⁽¹³⁾. Rama Krishna's case was decided on its special facts. There the agent was one who had been employed regularly by Rama Krishna not only in the last election but also in two previous elections. Rama Krishna stated that the arrangements for his election were completely left in that agent's hands. The agent had got printed some posters which had defamed the candidate and these posters were exposed on the walls. Rama Krishna admitted that he had seen these posters and also that he had paid for the posters when the bill was presented to him. In fact he included the amount in his return of election expenses. It was from these combined facts that the consent of Rama Krishna to the corrupt practice of making false and defamatory statements was held proved. The case therefore is not one in which the person while acting in a different capacity makes a defamatory statement.

In the case from Rajasthan the rule laid down was that the association of persons or a society or a political party or its permanent members who set up a candidate, sponsor his cause, and work to promote, his election, may be aptly called the agent for election purposes. In such cases where these persons commit corrupt practice unless the exception in s. 100(2) apply the return candidate should be held guilty. We shall consider this question later.

Before we deal with the matter further we wish to draw attention to yet another case of this Court reported in *Kumara Nand vs. Brijmohan Lal Sharma* (14). In that case s. 123(4) was analysed. It was held that the belief must be that of the candidate himself. The word "he" in the sub-section where it occurs for the first time was held to mean the candidate. This Court observed as follows:

"The sub-section requires: (i) publication of any statement of fact by a candidate, (ii) that fact is false, (iii) the candidate believes it to be false or does not believe it to be true, (iv) the statement is in relation to the personal character or conduct of another candidate, and (v) the said statement is one being reasonably calculated to prejudice the prospects of the other candidate's election: (See *Sheopat Singht vs. Ram Pratap*.) This case thus lays down that the person with whose belief the provision is concerned is ordinarily the candidate who, if we may say so, is responsible for the publication. The responsibility of the candidate for the publication arises if he publishes the thing himself. He is equally responsible for the publication if it is published by his agent. Thirdly he is also responsible where the thing is published by any other person but with the consent of the candidate or his election agent. In all three cases the responsibility is of the candidate and it is ordinarily the candidate's belief that matters for this purpose. If the candidate either believes the statement to be false or does not believe it to be true he would be responsible under s. 123(4). In the present case the poem was not actually read by the appellant, but it was read in his presence at a meeting at which he was presiding by Avinash Chander. In these circumstances the High Court was right in coming to the conclusion that the recitation of the poem by Avinash Chander at the meeting amounted to the publication of the false statement of fact contained in it by another person with the consent of the candidate, and in this case, even of his election agent who was also present at the meetings. But the responsibility for such publication in the circumstances of this case is of the candidate and it is the candidate's belief that matters and not the belief of the person who actually read it with the consent of the candidate. What would be the position in a case where the candidate had no knowledge at all of the publication before it was made need not be considered for that is not so here. It is not disputed in this case that the statement that the respondent was the greatest of all thieves, was false. It is also not seriously challenged that the appellant did not believe it to be true. The contention that Avinash Chander's belief should have been proved must therefore fail."

From this case it follows that to prove a corrupt practice in an agent is not enough, the belief of the candidate himself must be investigated with a view to finding out whether he made a statement which he knew to be false or did not believe to be true. When we come to the facts of the case in hand we shall find that most of the statements were made by a newspaper editor in the normal course of running a newspaper. Some of the passages which are criticised before us were made as news items and some others were put in the editorial. It is to be remembered that the newspaper ran a special column called "George Fernandez's Election Front". No article or comment in that column has been brought before us as an illustration of the corrupt practice. A newspaper publishes news and expresses views and these are functions normal to a newspaper. If the same news appeared in more than one paper, it cannot be said that each editor acted as agent for Mr. Fernandez and by parity of reasoning a line must be drawn to separate the acts of Mr. Atrey in running his newspaper and in acting as an agent. Mr. Atrey was not a wholetime agent of Mr. Fernandez so that anything that he said or did would be treated as bearing upon the belief of Mr. Fernandez as to the truth of the statements made by Mr. Atrey. Therefore, every act of Mr. Atrey could not be attributed to Mr. Fernandez so as to make the latter liable. We have

therefore to analyse these articles to find out which of them answers the test which we have propounded here. But the fact remains that the case was pleaded on the basis of corrupt practices on the part of an agent but by the amendment the candidate was sought to be charged with the corrupt practices personally. As there was no such charge or ground in the original petition and as the application for amendment was made long after the period of limitation was over the amendment could not be allowed. Accordingly we ruled out the amendments concerning the personal speeches of Mr. Fernandez and the article in the 'Blitz'.

After we announced our conclusion about the amendments Mr. Daphtary with the permission of the Court left the case in the hands of Mr. Jethamalani and the argument to which we have already referred in brief was advanced by him. As pointed out already Mr. Jethamalani attempted to prove that the case would be governed by s 100(1)(b) i.e. to say that the statements in the 'Maratha' were published with the consent of Mr. Fernandez. Mr. Jethamalani deduced this from the course of events and argued that on proof of the corrupt practices committed by the 'Maratha', Mr. Fernandez would be personally liable. He based himself on the following facts. He pointed out that Mr. Fernandez had admitted that he dislred that the newspapers should support his candidature and therefore must have been glad that the 'Maratha' was supporting him, and the articles in the 'Maratha' were uniformly for the benefit of Mr. Fernandez. Sampurna Maharashtra Samiti was also supporting the candidature of Mr. Fernandez and the 'Maratha' had made common cause with the Sampurna Maharashtra Samiti, the offices of both being situated in the same building which was also Mr. Atrey's residence. Mr. Atrey was the editor of the 'Maratha' and chairman of the Sampurna Maharashtra Samiti. Mr. Atrey was also a candidate supported by the Sampurna Maharashtra Samiti. Mr. Fernandez and Mr. Atrey had a common platform and they supported each other in their respective constituencies. The 'Maratha' carried a column "George Fernandez's Election Front" which was intended to be a propaganda column in favour of Mr. Fernandez. He contended that Mr. Fernandez could not be unaware of what Mr. Atrey was doing. He pointed out several statements of Mr. Fernandez in which he sometime unsuccessfully denied the knowledge of various facts. He contended lastly that Mr. Fernandez had social contacts with Mr. Atrey and could not possibly be unaware that Mr. Atrey was vociferously attacking Mr. Patil's character and conduct. Mr. Jethamalani therefore argued that there was knowledge and acquiescence on the part of Mr. Fernandez and as there was no repudiation of what the 'Maratha' published against Mr. Patil Mr. Fernandez must be held responsible. The learned trial Judge in his judgment has given a summary of all these things at page 695 and it reads:

"To sum up, it is clear from the above discussion that respondent No. 1 is a prominent member of the SSP that the SSP is a constituent unit of the SMS, that both Acharya Atrey and respondent No. 1 participated in the formation of the SMS that they both participated in the inauguration of the election campaign by the SMS, that the SMS, carried on election propaganda for candidates supported by it including respondent No. 1 that Acharya Atrey was the president of the Bombay Unit of the SMS and was a prominent and a leading member thereof, that each of them addressed a meeting of the constituency of the other to carry on election propaganda for the other, that Acharya Atre through the columns of his newspaper Maratha carried on intensive and vigorous campaign for success of candidates supported by the SMS including respondent No. 1, that Acharya Atre started a special feature in Maratha under the heading "George Fernandez Election Front". These factors amongst others show that Acharya Atre had authority to canvass for respondent No. 1, that he made a common cause with respondent No. 1, for promoting his election, that to the knowledge of respondent No. 1 and for the purpose of promoting his election, he (Atrey) canvassed and did various things as tended to promote his election. This in law is sufficient to make Acharya Atrey an agent of respondent No. 1, as that term is understood under the election law."

Mr. Jethamalani contended in further support that there was a clear similarity in the statements and utterances of Mr. Fernandez and Mr. Atrey. He inferred a high probability of concert between them. In this connection he referred in particular to the speech of Mr. Fernandez at Shivaji Park and the conduct of Shanbhag, one of his workers, in following up what Mr. Fernandez had said. We shall refer to this last part later on which a considerable part of the time of the Court was spent, although we had ruled out the amendment with regard to the speech at Shivaji Park. Mr. Jethamalani referred to the following cases among others in

support of his contention that consent in such circumstances may be assumed: *Nani Gopal Swami v. Abdul Hamid Choudhury and other* ⁽¹⁴⁾, *Adams and others v. Hon. H. H. Leveson Gower* ⁽¹⁵⁾, *Christie v. Grieve* ⁽¹⁶⁾ and *W. F. Spencer, John Blundell v. Charles Harrison* ⁽¹⁷⁾. There is no doubt that consent need not be directly proved and a consistent course of conduct in the canvass of the candidate may raise a Presumption of consent. But there are cases and cases. Even if all this is accepted we are of opinion that consent cannot be inferred. The evidence proves only that Mr. Atrey was a supporter and that perhaps established agency of Mr. Atrey. It may be that evidence is to be found supporting the fact, that Mr. Atrey acted as agent of Mr. Fernandez with his consent. That however does not trouble us because Mr. Chari admitted that Mr. Atrey can be treated as an agent of Mr. Fernandez. It is however a very wide jump from this to say that Mr. Fernandez had consented to each publication as it came or even generally consented to the publication of items defaming the character and conduct of Mr. Patil. That consent must be specific. If the matter was left entirely in the hands of Mr. Atrey who acted solely as agent of Mr. Fernandez, something might be said as was done in *Rama Krishna's* case (Supra) by this Court. Otherwise there must be some reasonable evidence from which an inference can be made of the meeting of the minds as to these publications or at least a tacit approval of the general conduct of the agent. If we were not to keep this distinction in mind there would be no difference between s. 100 (i) (b) and 100 (i) (d) in so far as an agent is concerned. We have shown above that a corrupt act *per se* is enough under s. 100(i)(b) while under s. 100(i)(d) the act must directly affect the result of the election in so far as the returned candidate is concerned. Section 100 (i) (d) makes no mention of an agent while s. 100(i)(d) specifically does. There must be some reason why this is so. The reason is this that an agent cannot make the candidate responsible unless the candidate has consented or the act of the agent has materially affected the election of the returned candidate. In the case of any person (and he may be an agent) if he does the act with the consent of the returned candidate there is no need to prove the effect on the election. Therefore, either Mr. Jethamalani must prove that there was consent and that would mean a reasonable inference from facts that Mr. Fernandez consented to the acts of Mr. Atrey or he must prove that the result of the election was seriously affected. If every act of an agent must be presumed to be with the consent of the candidate there would be no room for application of the extra condition laid down by s. 100 (i) (d), because whenever agency is proved either directly or circumstantially, the finding about consent under s. 100 (i) (b) will have to follow. We are clearly of opinion that Mr. Jethamalani's argument that s. 100 (i) (b) applies can only succeed if he establishes consent on the part of Mr. Fernandez.

We have already pointed out that Mr. Atrey was also the editor of a newspaper which, as Mr. Patil has himself admitted, was always attacking him. Mr. Atrey had opened a column in his newspaper to support Mr. Fernandez's candidature. Although nine articles appeared in the column between December 3, 1966 to February 2, 1967, not a single false statement from this column has been brought to our notice. There was not even a suggestion that Mr. Fernandez wrote any article for the 'Maratha' or communicated any fact. It is also significant that although Mr. Atrey addressed meetings in the constituency of Mr. Fernandez, not a single false statement of Mr. Atrey was proved from his speeches on those occasions. The petitioner himself attended one such meeting on February 4, 1967, but he does not allege that there was any attack on his personal character or conduct. The learned trial Judge has also commented on this fact. We think that regard being had to the activities of Mr. Atrey as editor and his own personal hostility to Mr. Patil on the issue of Sampurna Maharashtra Samiti, we cannot attribute every act of Mr. Atrey to Mr. Fernandez. Mr. Chari is right in his contention that Mr. Atrey's field of agency was limited to what he said as the agent of Mr. Fernandez and did not embrace the field in which he was acting as editor of his newspaper. It is also to be noticed that Mr. Atrey did not publish any article of Mr. Fernandez, nor did he publish any propaganda material.

The meeting at Shivaji Park about which we shall say something presently, was not held in Mr. Fernandez's constituency. The similarity of ideas or even of words cannot be pressed into service to show consent. There was a stated

(14) (1959) Assam 200.

(15) 1 O'Malley and Harcourt 218.

(16) 1 O'Malley and Harcourt 251.

(17) 3 O'Malley and Harcourt 148.

policy of Sampurna Maharashtra Samiti which wanted to join in Maharashtra all the areas which had not so far been joined and statements in that behalf must have been made not only by Mr. Atrey but by several other persons. Since Mr. Atrey was not appointed as agent we cannot go by the similarity of language alone. It is also very significant that not a single speech of Mr. Fernandez was relied upon and only one speech of Mr. Fernandez namely, that at Shivaji Park was brought into arguments before us came by an amendment which we disallowed. The best proof would have been his own speech or some propaganda material such as leaflets or pamphlets etc. but none was produced. The 'Maratha' was an independent newspaper not under the control of the Sampurna Maharashtra Samiti or the S.S.P. which was sponsoring Mr. Fernandez or Mr. Fernandez himself. Further we have ruled out news items which it is the function of the newspaper to publish. A news item without any further proof of what had actually happened through witnesses is of no value. It is at best a second-hand secondary evidence. It is well-known that reporters collect information and pass it on to the editor who edits the news item and then publishes it. In this process the truth might get perverted or garbled. Such news items cannot be said to prove themselves although they may be taken into account with other evidence if the other evidence is forcible. In the present case the only attempt to prove a speech of Mr. Fernandez made in connection with the Shivaji Park meeting. Similarly the editorials state the policy of the newspaper and its comment upon the events. Many of the news items were published in other papers also. For example Free Press Journal, the Blitz and writers like Welles Hengens had also published similar statements. If they could not be regarded as agents of Mr. Fernandez we do not see any reason to hold that the "Maratha" or Mr. Atrey can safely be regarded as agent of Mr. Fernandez when acting for the newspaper so as to prove his consent to the publication of the defamatory matter. We are therefore of opinion that consent cannot reasonably be inferred to the publications in the 'Maratha'. We are supported in our approach to the problem by a large body of case law to which our attention was drawn by Mr. Chari. We may refer to a few cases here: *Bishwanath Upadhyaya vs. Harlal Das and others* ⁽¹⁸⁾ *Abdul Majeed vs. Bhagwan (Krishna) and others* ⁽¹⁹⁾ *Rustom Satin vs. Dr. Sampooranand and others* ⁽²⁰⁾ *Sarla Devi Pathak vs. Virendra Singh and others* ⁽²¹⁾ *Krishna Kumar vs. Krishna Gopal* ⁽²²⁾ *Lalsing Kesharsing Dehvar vs. Vallabhadas Shankar Lal Thekdi and others* ⁽²³⁾ *Badri Narain Singh and others vs. Kamdeo Prasad Singh and another* ⁽²⁴⁾ and *Sarat Chandra Rabod vs. Khagendranath Nath and others* ⁽²⁵⁾. It is not necessary to refer to these cases in detail except to point out that the Rajasthan case dissents from the case from Assam on which Mr. Jethamalani relied. The principle of law is settled that consent may be inferred from circumstantial evidence but the circumstances must point unerringly to the conclusion and must not admit of any other explanation. Although the trial of an election petition is made in accordance with the Code of Civil Procedure, it has been laid down that a corrupt practice must be proved in the same way as a criminal charge is proved. In other words, the election petitioner must exclude every hypothesis except that of guilt on the part of the returned candidate or his election agent. Since we have held that Mr. Atrey's activities must be viewed in two compartments, one connected with Mr. Fernandez and the other connected with the newspaper we have to find out whether there is an irresistible inference of guilt on the part of Mr. Fernandez. Some of the English cases cited by Mr. Jethamalani are not a safeguard because in England a distinction is made between "illegal practices" and "corrupt practices". Cases dealing with "illegal practices" in which the candidate is held responsible for the acts of his agent are not a proper guide. It is to be noticed that making of a false statement is regarded as "illegal practice" and not a "corrupt practice" and the tests are different for a corrupt practice. In India all corrupt practices stand on the same footing. The only difference made is that when consent is proved on the part of the candidate or his election agent to the Commission of corrupt practice, that itself is sufficient. When a corrupt practice is committed by an agent and there is no such consent then the petitioner must go further and prove that the result of the election in so far as the returned

(18) (1958) Assam 97.

(19) A.I.R. (1963) Kerala 18

(20) (20) E.L.R. 221.

(21) 20 E.L.R. 275.

(22) A.I.R. (1964) Rajasthan 21.

(23) A.I.R. (1967) Gujarat 62.

(24) A.I.R. (1961) Patna 41.

(25) A.I.R. (1961) S.C. 334.

candidate is concerned was materially affected. In *Bavlev v Edmunds*, *Byron and Marshall*⁽²⁶⁾ strongly relied upon by Dr. Daphtary the publication in the newspaper was not held to be a corrupt practice but the paragraph taken from a newspaper and printed as a leaflet was held to be a corrupt practice. That is not the case here. Mr. Patil's own attitude during the election and after is significant. During the election he did not once protest that Mr. Fernandez was spreading false propaganda, not even when Mr. Fernandez charged his workers with hooliganism. Even after the election Mr. Patil did not attribute anything to Mr. Fernandez. He even said that the Bombay election was conducted with propriety. Even at the filing of the election petition he did not think of Mr. Fernandez but concentrated on the 'Maratha'.

Mr. Daphtary sought to strengthen the inference about consent from the inter connection of events with the comments in the 'Maratha'. He refers to the news item appearing in the 'Times of India' of February 10, 1967 in which the letting loose of bad characters was alleged to be commented upon by Mr. Fernandez. He connected this with the activities of Shanbhag who wrote to the Election Commission and then pointed out that the 'Maratha' came out with it. But if the 'Times of India' cannot be regarded as the agent no more can the 'Maratha'. A newspaper reporting a meeting does so as part of its own activity and there can be inference of consent. What was necessary was to plead and prove that Mr. Fernandez said this and this. Then the newspaper reports could be taken in support but not independently. Here the plea was not taken at all and the evidence was not direct but indirect.

Mr. Jethamalani referred to some similarity in the reaction of the 'Maratha' and Mr. Fernandez to the events. The Babubhal Chinal incident was said to be a fake by both the 'Maratha' and Mr. Fernandez, the Sayawedi meeting (not pleaded) was said to be followed by similar statements in the 'Maratha' the Bristol Grill Conference was reported in the 'Maratha'. All this shows that the rival party believed in certain facts but it does not show that the 'Maratha' was publishing these articles with Mr. Fernandez's consent. In fact this argument has been designed to get over our finding that the Amendments were wrongly allowed. Before this there was not so much insistence upon consent as thereafter.

Now it may be stated that mere knowledge is not enough. Consent cannot be inferred from knowledge alone. Mr. Jethamalani relied upon the *Taunton* case⁽²⁷⁾ where Blackburn J. said that that one must see how much was being done for the candidate and the candidate then must take the good with the bad. There is difficulty in accepting this contention. Formerly the Indian Election Law mentioned 'knowledge and connivance' but now it insists on consent. Since reference to the earlier phrase has been dropped it is reasonable to think that the law requires some concrete proof, direct or circumstantial of consent, and not merely of knowledge and connivance. It is significant that the drafters of the election petition use the phrase 'knowledge and connivance' and it is reasonable to think that they consulted the old Act and moulded the case round 'knowledge and connivance' and thought that was sufficient.

We cannot infer from an appraisal of the evidence of Mr. Fernandez that he had consented. His denial is there and may be not accurate but the burden was to be discharged by the election petitioner to establish consent. If Mr. Fernandez suppressed some other facts or denied them, there can be no inference that his denial about knowledge of the articles in the 'Maratha' was also false. Mr. Fernandez denied flatly that he saw the articles explaining that there was no time to read newspapers, a fact which has the support of Mr. Patil who also said that he had no time to read even cuttings placed by his secretary for his perusal. We may say here that we are not impressed by the testimony of Mr. Fernandez and we are constrained to say the same about Mr. Patil. We cannot on an appraisal of all the materials and the arguments of Mr. Daphtary reach the conclusion that Mr. Fernandez was responsible for all that Mr. Atrey did in his newspaper or that his consent can be inferred in each case.

The most important argument was based on the meeting at Shivaji Park on January 31, 1967 where Mr. Fernandez spoke. As the subject of the charge in the original petition did not refer to this speech and we disallowed the amendment, Mr. Jethamalani attempted to reach the same result by using the speech as evidence of consent to the publication of the report in the 'Maratha'. Here

(26) (1894) 11 T.L.R. 537.

(27) I. O'Malley and Hardcastles 181 at 185.

we may say at once that the speech could not be proved because it was not pleaded. Much time was consumed to take up through the evidence of witnesses who gave the exact words of Mr. Fernandez. Mr. Fernandez was alleged to have said that Mr. Patil was not honest and won elections by changing ballot boxes. Mr. Fernandez did not admit having made the speech. Four witnesses Tanksale, Bhide, Khambata and Bendra who alleged that they were present at the meeting deposed to this fact. We have looked into their evidence and are thoroughly dissatisfied with it. Ram Kumar, a reporter was also cited. He covered the meeting for the 'Indian Express' but his newspaper had not published this part and Ram Kumar was examined to prove that it was deleted by Rao the Chief Reporter. The evidence of Ram Kumar was so discrepant with that of Rao that the trial Judge could not rely on it and we are of the same opinion. The fact that in Ex. 56 Mr. Fernandez had spoken of the 'ways and means' of winning elections of Mr. Patil cannot be held to be proof nor the activities of Shanbhag in arranging for a watch of the ballot boxes. Every candidate is afraid that the ballot boxes may be tampered with and there is no inference possible that because Mr. Fernandez or Shanbhag his worker took precautions, Mr. Fernandez must have made a particular speech. It was said that Randive in his evidence admitted that Mr. Fernandez made such comments. We do not agree. His version was different. There is reason to think that there was an attempt to suborn witnesses and make them support this part of the case or to keep away from the witness box. One such attempt was made on Randive. We are not impressed by the witnesses who came to disprove the petitioner's case but that does not improve it either. It seems that attempts were being made to enlist support for such a contention and the evidence shows that the witnesses were not free from influence. It is not necessary to go into the evidence on the other side such as that of Dattu Pradhan Prafulla Baxi. They do not impress us either. We are accordingly not satisfied that Mr. Fernandez made any such comment. If he did that would be a ground of the very first importance to an election petition. It is a little surprising that it was alleged so late and appears to be an afterthought and intended to put into the mouth of Mr. Fernandez one of the statements of the 'Maratha'. Consent to the making of the statement in the 'Maratha' had therefore, to be proved and there is no such proof.

For the same reasons we cannot regard Jagadguru Shankaracharya or Mr. Madhu Limaye as the agents of Mr. Fernandez. The evidence regarding their agency itself is non-existent and there is no material on which consent can be presumed or inferred.

The result of the foregoing discussion is that this case will have to be judged of under S. 100(1)(d) and not under S. 100(1)(b). In the arguments before us Mr. Chari conceded that some of the articles contain false statements regarding the character and conduct of Mr. Patil. He mentioned in this connection five articles. It is, not, therefore, necessary to examine each of the 16 articles separately. If the conditions required by S. 100(1) (d) read with S. 123(4) are satisfied, a corrupt practice avoiding the election will be established. The first condition is that the candidate's belief in the falsity of the statements must be established. That was laid down by this Court in Kumara Nand v. Brijmohan Lal Sharma (supra). The second condition is that the result of the election insofar as Mr. Fernandez is concerned must be shown to be materially affected. Thus we have not only to see (a) that the statement was made by an agent, (b) that it was false etc., (c) that it related to the personal character and conduct of Mr. Patil, (d) that it was reasonably calculated to harm his chances but also (e) that it in fact materially affected the result of the election in so far as Mr. Fernandez was concerned. Of these (a) and (c) are admitted and (d) is admitted by Mr. Fernandez because he said that he did not believe that there was any truth in these statements. The question next is whether they were calculated to affect the prospects of Mr. Patil. Here there can be no two opinions. These articles cast violent aspersions and were false as admitted by Mr. Fernandez himself. The course of conduct shows a deliberate attempt to lower his character and so they must be held to be calculated to harm him in his election. So far the appellants are on firm grounds. Even if all these findings are in favour of the appellants, we cannot declare the election to be void under S. 100(i) (d) (iii) unless we reach the further conclusion that the result of the election insofar as Mr. Fernandez was concerned had been materially affected. The section speaks of the returned candidate when it should have really spoken of the candidate who was defamed or generally about the result. However it be worded, the intention is clear. The condition is a pre-requisite.

Mr. Jethamalani argued that the words "materially affected" refer to the general result and not how the voting would have gone in the absence of the corrupt practice. According to him S. 94 of the Act bars disclosure of votes and to attempt to prove how the voting pattern would have changed, would involve a violation of S. 94. According to him the court can give a finding by looking to the nature of the attacks made, the frequency and extent of publicity, the medium of circulation and the kind of issue that was raised before the voters. He contends that to tell the Maharashtrians that Mr. Patil paid a bribe to the voters of Goa to keep it centrally administered, to call Mr. Patil a Najibkhan of Maharashtra, i.e., a traitor, to dub him as the creator of Shiv Sena which terrorised the minorities, to describe him as a goonda and leader of goondas who organised attacks on voters, to charge him with the responsibility of attack on Parliament and the Congress President's residence and to describe him as dishonest to the extent of switching ballot boxes, is to materially affect the result of the voting. According to him these circumstances furnish a good basis for the finding that the result of the election was positively affected and nothing more is needed. According to him Jethamalani the capacity of Mr. Atrey when making these violent attacks was irrelevant as he was acting in support of the canvass of Mr. Fernandez.

Mr. Jethamalani further submits that different false statements were intended to reach different kind of voters. The Maharashtrians were affected by the Goa and border issues, the minorities by the Shiv Sena allegations, the law-abiding citizens by the allegations about goondaism. Thus there must have been a landslide insofar as Mr. Patil was concerned and there must have been corresponding gain to Mr. Fernandez. He relies upon Hackney Case⁽²⁷⁾ where Grove J. made the following observations at pages 81 and 82:

"I have turned the matter over in my mind, and I cannot see, assuming that argument express the meaning of that section, how the tribunal can by possibility say what would or might have taken place under different circumstances. It seems to me to be a problem which the human mind has not yet been able to solve, namely, if things had been different at a certain period, what would have been the result of the concatenation of events upon that supposed change of circumstances. I am unable at all events to express an opinion upon what would have been the result, that is to say, who would have been elected provided certain matters had been complied with here which were not complied with. It was contended that I might hear evidence on both sides as to how an elector thought he would have voted at such election. That might possibly induce a person not sitting judicially to form some sort of vague guess, but that would be far short of evidence which ought to satisfy the mind of a judge of what any individual who might express that opinion would really do under what might have been entirely changed circumstances. But, besides that, one of the principles of the Ballot Act is that voting should be secret, and voters are not to be compelled to disclose how they voted except upon a scrutiny after a vote has been declared invalid. Notwithstanding that, I am asked here, assuming the construction for which Mr. Bowen contends to be correct, to ascertain how either the 41,000 electors of this Borough, or any number of them, might have wished to vote had they had the opportunity of doing so, and what in that event would have been the result of the election. It seems to me that such an inquiry would not only have been entirely contrary to the spirit of the Act, but also that it would be a simple impossibility. I should, therefore, say that even if the wording of the Act, taking it literally and grammatically, required me to put such a construction upon it, it would lead to such a manifest absurdity (using now the judicial term which has generally been used with reference to the construction of statutes) that unless I were in some way imperatively obliged, and unless the Act could by no possibility admit of any other construction, I should not put a construction upon it which really reduced the matter to a practical impossibility. Such a construction, would practically render it necessary, in the case of any miscarriage at an election, however great the miscarriage might be (if, that is to say, only a very small number of persons had voted, and all the rest of the Borough had been entirely unable to vote) that the judge should then enquire as to how the election would have gone. As I ventured to remark in the course of the argument, where a miscarriage of this sort took place it would

be virtually placing the election not in the hands of the constituency, but in the hands of the election judge, who is not to exercise a judgment as to who is to be the member, but who is only to see whether the election has been properly conducted according to law."

Justice Grover then gave the meaning of the provision at page 85 as follows:

"If I look to the whole, and to the sense of it as a whole, it seems to me that the object of the Legislature in this provision is to say this an election is not to be upset for an informality or for a triviality, it is not to be upset because the clerk of one of the polling stations was five minutes too late, or because some of the polling papers were not delivered in a proper manner, or were not marked in a proper way. The objection must be something substantial, something calculated really to affect the result of the election. I think that that is a way of viewing it which is consistent with the terms of the section. So far as it seems to me, the reasonable and fair meaning of the section is to prevent an election from becoming void by trifling objection on the ground of an informality, because the judge has to look to the substance of the case to see whether the informality is of such a nature as to be fairly calculated in a reasonable mind to produce a substantial effect upon the election."

Mr. Jethamalani invites us to apply the same test and in the light of his facts to say that the result of the election in so far as Mr. Fernandez is concerned was materially affected.

On the other hand, Mr. Chari relies upon the facts that there was a difference of 30,000 votes between the two rivals and as many as 38,565 votes were cast in favour of the remaining candidates. He says that Mr. Patil had contested the earlier elections from the same constituency and the votes then obtained by him were not more in fact less. He says it is impossible to say how much Mr. Patil lost or Mr. Fernandez gained by reason of the false statements and whether the affected voters did not give their votes to the other candidates. He argues that the best test would be to see what Mr. Patil's reactions were on hearing of his defeat. In this connection he referred to Ex. 120 in which Mr. Patil commented on the elections in Bombay being orderly. In ex. 128 he said that the voters of Bombay had rejected him and that he has disappointed his supporters and they must pardon him, and that he must have been punished for some sin committed by him. Mr. Chari says that never for a moment did Mr. Patil attribute his defeat to false propaganda by Mr. Fernandez or his supporters which if it had been a fact Mr. Patil would have lost no time in mentioning. All this shows that Mr. Patil maintained his position in this constituency. Mr. Fernandez had earlier announced that he would organise support for himself from those who had voted in the past for his rivals or had refrained from voting and this Mr. Fernandez was successful in achieving. Mr. Chari relies upon the rulings of this Court where it has been laid down how the burden of proving the effect on the election must be discharged. He referred to the case reported in *Vashist Narain Sharma v. Dev Chandra* ((²⁸) and *Surendra Nath Khosla v. Dalip Singh* ((²⁹) and the later ruling of this Court in which *Vashist Narain's* case has been followed and applied.

In our opinion the matter cannot be considered on possibility. *Vashist Narain's* case insists on proof. If the margin of votes were small something might be made of the points mentioned by Mr. Jethamalani. But the margin is large and the number of votes earned by the remaining candidates also sufficiently huge. There is no room, therefore, for a reasonable judicial guess. The law requires proof. How far that proof should go or what it should contain is not provided by the legislature. In *Vashist's* case and in *Inayatullah v. Diwan Chand Mahajan* ((³⁰)) the provision was held to prescribe an impossible burden. The law has however remained as before. We are bound by the rulings of this Court and must say that the burden has not been successfully discharged. We cannot overlook the rulings of this Court and follow the English ruling cited to us.

To conclude and summarize our findings: We are satisfied that Mr. Atrey as the Editor of the 'Maratha' published false statements relating to the character and conduct of Mr. Patil, calculated to harm the prospects of Mr. Patil's election, that

((²⁸) (1955) 1, S.C.R. 309.

((²⁹) (1957) S.C.R. 179.

((³⁰) 15 E.L.R. 219 at pages 235-236.

Mr. Atrey was the agent of Mr. Fernandez under the election law, but there is nothing to prove that he did so with the consent of Mr. Fernandez, nor can such consent be implied because in making the statements Mr. Atrey was acting as the editor of his own newspaper the 'Maratha' and not acting for Mr. Fernandez. We are further satisfied that the petitioner has failed to establish in the manner laid down in this Court, that the result of the election was materially affected in so far as Mr. Fernandez was concerned. We are also satisfied that if the petitioner had pleaded corrupt practices against Mr. Fernandez personally (which he did not) the result might have been different. The election petition was ill-considered and left out the most vital charges but for that the petitioner must thank himself.

In the result the appeals fail and as already announced earlier they are dismissed with costs.

(Sd.) M. HIDAYATULLAH, C. J.

(Sd.) G. K. MITTER, J.

New Delhi;

February 12, 1969.

[No. 82/6/BY/67.]

New Delhi, the 8th April 1969

S.O. 1568.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission, in consultation with the Government of Mysore, hereby nominates Shri M. Syed Murshed Peer, *ex-Officio* Deputy Secretary to the Government of Mysore, Law Department (Elections) as the Chief Electoral Officer for the State of Mysore with effect from the forenoon of the 26th March, 1969 vice Shri T. M. Vazir Ahmed.

[No. 154/9/69.]

By Order,

K. S. RAJAGOPALAN, Secy.

भारत निर्वाचन आयोग

नई दिल्ली, 8 अप्रैल 1969

एत० अ० 1569.—लोक प्रतिनिधित्व अधिनियम, 1950 की धारा 13-क की उपधारा (1) के भाग प्रदान शक्तियों का प्रयोग करते हुए निर्वाचन आयोग, मैसूर सरकार के परामर्श से, श्री टी० एम० बजीर अहमद के स्थान पर मैसूर सरकार के विधि विभाग (निर्वाचन) में पदेन उप-सचिव श्री एम० सैयद मुरशेद पीर को 26 मार्च, 1969 के पूर्वान्त से मैसूर राज्य के लिए मुख्य निर्वाचन अधिकार के रूप में एनड्यारा नाम निर्देशित करता है।

[संख्या 154/9/69]

आदेश से,

के० एस० राजगोपालन, सचिव।

MINISTRY OF HOME AFFAIRS

New Delhi, the 18th April 1969

S.O. 1570.—In exercise of the powers conferred by Sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri G. Gopalaswamy, M.A., B.L. Advocate, Madras, as Special Public Prosecutor to conduct the case R.C. No. 11 of 1966, Madras, against Syed Abdullah and others in the Court of 2nd Additional Special Judge, Madras.

[No. 225(11)/69-AVD.II.]

R. C. JOSHI, Under Secy.

गृह-मंत्रालय

नई दिल्ली, 18 अप्रैल, 1969

बि० प्रा० 1571:—केन्द्रीय सरकार, दंड प्रक्रिया संहिता 1898 (1898 का 5 वां) की धारा 492 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा श्री जी० गोपालास्वामी, एम० ए० बी० एल० एडवोकेट महाशय के द्वितीय अपर विशेष न्यायाधीश महाशय के न्यायालय में सय्यद अब्दुल्लाह ख़ौर अन्यों के विरुद्ध 1966 का वाद (केस) आर० सी० संख्या 11 का संचालन करने के लिए, विशेष लोक अभियोक्ता के रूप में नियुक्त करती है।

[संख्या 225/11/69/प्र० सं० प्र०]

रमेश चन्द्र जोशी, अपर मन्त्रि !

New Delhi, the 24th April 1969

S.O. 1572.—In exercise of the powers conferred by sub-section (2) of section 29 of the Punjab Reorganisation Act, 1966 (No. 31 of 1966), the President is hereby pleased to make the following Order, namely:—

1. (1) This Order may be called the Judges of the High Court of Punjab and Haryana (Allocation of salaries and allowances) Order, 1969.

(2) It shall be deemed to have come into force on the 1st day of November, 1968.

2. The expenditure in respect of the salaries and allowances of the Judges of the High Court of Punjab and Haryana in any year or part thereof shall be allocated amongst the States of Punjab and Haryana and the Union in proportion to the number of cases instituted in that year or part from each of the said States and the Union Territory of Chandigarh in the High Court of Punjab and Haryana.

[No. 4/10/68-JudI I/III]

K. THYAGARAJAN, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 9th April 1969

S.O. 1573.—In exercise of the powers conferred by section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and rule 10 of the Banking Regulation (Co-operative Societies) Rules, 1966, shall not apply to the undernoted co-operative banks insofar as they relate to the publication of their balance sheets and profit and loss accounts for the year ended the 30th June 1968, together with the auditor's report in a newspaper.

1. Bhimavaram Co-operative Urban Bank Ltd., Bhimavaram, West Godavary District.
2. Dharmavaram Co-operative Urban Bank Ltd., Dharmavaram, Arantapur District.
3. Chipurupalli Co-operative Urban Bank Ltd., Chipurupalli.
4. Kalahasti Co-operative Town Bank Ltd., Kalahasti, Chittoor District.
5. Kollur Parvati Co-operative Bank Ltd., Kollur, Guntur District.

6. Ongole Co-operative Bank Ltd., Ongole, Guntur District.
7. Repalle Co-operative Bank Ltd., Repalle, Guntur District.
8. Co-operative Bank Ltd., Sahur, Srirakulam District.
9. Hindustan Shipyard Staff Co-operative Bank Ltd., Visakhapatnam-5.
10. Dibrugarh Central Co-operative Bank Ltd., Dibrugarh.
11. Goalpara District Central Co-operative Bank Ltd., Dhubri.
12. Nalbari Central Co-operative Banking Union Ltd., Nalbari.
13. Gauhati Co-operative Urban Bank Ltd., Gauhati.
14. Shri Janata Sahakari Bank Ltd., Radhanpur.
15. Shri Manavdhar Vibhagiya Bank Ltd., Vanthali.
16. Padra Nagar Nagarik Sahakari Bank Ltd., Padra.
17. Alavi Co-operative Bank Ltd., Baroda.
18. Rajkot Karmachari Co-operative Bank Ltd., Rajkot.
19. Sihor Nagrik Sahakari Bank Ltd., Sihor.
20. Baroda Mercantile Co-operative Bank Ltd., Baroda.
21. Radhanpur Taluka Nagrik Sahakari Sarafi Mandali Ltd., Radhanpur.
22. Ananthasayanam Co-operative Society Ltd., Trivandrum.
23. Cranganore Town Co-operative Urban Bank Ltd., Cranganore.
24. Mattancherry Sarvajanic Co-operative Bank Ltd., Cochin-2.
25. Bhandari Kamgar Sahakari Sanstha Ltd., Indore.
26. Sahakari Karya Sanstha Shiksha Vilhag Ltd., Indore.
27. Sakhar Kamgar Sahakari Bank Ltd., Shrishivajinagar, Ahmednagar, District.
28. Maratha Paraspar Sahayakari Patpedhi Ltd., Bombay-5.
29. National Co-operative Bank Ltd., Bombay-8.
30. Amravati Peoples' Co-operative Bank Ltd., Amravati.
31. World Koli Samaj Vividha Karyakari Sahakari Society Ltd., Bombay-18.
32. Manmad Merchants Co-operative Bank Ltd., Manmad, District Nasik.
33. The Sangli Zilla Kamgar Co-operative Bank Ltd., Bombay-4.
34. The Aurangabad People's Co-operative Bank Ltd., Aurangabad.
35. C. K. P. Co-operative Credit Bank Ltd., Bombay-23.
36. The Central Telegraph Office Co-operative Credit Bank Ltd., Bombay.
37. Deogad Urban Co-operative Bank Ltd., Deogad, Ratnagiri District.
38. The Erandol Nagrik Sahakari Bank Ltd., Erandol, Jalgaon District.
39. The Konkan Prant Sahakari Bank Ltd., Bombay-4.
40. Kurduwadi Merchants Urban Co-operative Bank Ltd., Kurduwadi, Sholapur District.
41. Maratha Mandir Co-operative Bank Ltd., Bombay.
42. Naval Dockyard Co-operative Bank Ltd., Bombay-1.
43. The Nagpur Corporation Employees' Primary Co-operative Bank Ltd., Nagpur.
44. Mahatma Fule Co-operative Credit Society Ltd., Bombay-27.
45. Mumbai Kamgar Nagri Sahakari Bank Ltd., Bombay-14.
46. The Needs of Life Co-operative Bank Ltd., Bombay-1.
47. Panvel Co-operative Urban Bank Ltd., Panvel, Kolaba District.
48. Sholapur District Revenue Department Staff Primary Co-operative Bank Ltd., Sholapur.
49. The Kalwan Merchants Co-operative Bank Ltd., Kalwan, Nasik District.
50. Azad Urban Co-operative Credit Bank Ltd., Hubli.
51. Sankeshwar Urban Co-operative Credit Bank Ltd., Sankeshwar.
52. Hungund Taluka Teachers' Primary Co-operative Credit Bank Ltd., Hungund.

53. Hirekerur Urban Co-operative Bank Ltd., Hirekerur.
54. The Jeypore Co-operative Urban Bank Ltd., Jaypore, Koraput District.
55. The Kurali Urban Co-operative Bank Ltd., Kurāli, Rupar District.
56. Banswara Urban Co-operative Bank Ltd., Banswara.
57. The Urban Co-operative Bank Ltd., Ajmer.
58. Railway Shramik Sahakari Bank Bikaner Ltd., Bikaner.
59. The Umalad Co-operative Credit Society Ltd., Jodhpur.
60. Sree Meenakshi Mills Employees' Co-operative Bank Ltd., Madurai.
61. Madras Postal Audit Co-operative Credit Society Ltd., Madras.
62. North Arcot District Government Employees' Co-operative Society Ltd., Vellore, North Arcot District.
63. Government Telegraph Employees' Co-operative Society Ltd., Madras.
64. Chingleput District Public Servants' Co-operative Society Ltd., Kanchēpuram.
65. Madras Secretariat Staff Co-operative Bank Ltd., Madras.
66. Esso Employees' Co-operative Society Ltd., Madras.
67. Vadasery Co-operative Credit Society Ltd., Nagarcoil.
68. Madras Kachaleswarar Co-operative Bank Ltd., Madras.
69. Chintadripet Co-operative Bank Ltd., Madras.
70. West Madras Purasawalkam Co-operative Bank Ltd., Madras.
71. Loyal Textile Mills Ltd. Employees' Co-operative Bank Ltd., Kovilpatti.
72. Textile Mills Employees' Co-operative Bank Ltd., Coimbatore.
73. Madras Co-operative Staff Co-operative Bank Ltd., Madras.
74. Uttar Pradesh Telegraph Co-operative Credit and Thrift Society Ltd., Agra.
75. High Court Co-operative Society Ltd., Allahabad.
76. Uttar Pradesh Co-operative Officials Primary Co-operative Bank Ltd., Lucknow.
77. Reserve Bank of India Employees' Co-operative Credit Bank Ltd., Kanpur.
78. Lucknow University Administrative Staff Primary Co-operative Bank Ltd., Lucknow.
79. Barnagore Co-operative Society Ltd., Barnagore, Calcutta-36.
80. Bishnupur Town Co-operative Bank Ltd., Bishnupur.
81. East Indian Railway Employees' Co-operative Credit Society Ltd., Calcutta.

[No. F. 18/7/69-SB.]

New Delhi, the 18th April 1969

S.O. 1574.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Bari Doab Bank Ltd., Hoshiarpur, in respect of the properties held by it at Premgarh, Hoshiarpur District, Punjab and at Kotwal, Ferozepur District, Punjab, till the 15th March, 1970.

[No. F. 15(10)-BC/68.]

New Delhi, the 23rd April 1969

S.O. 1575.—In pursuance of clause (c) of Sub-section (1) of Section 21, read with clause (b) of sub-section (2) and sub-section (3) of section 25 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri R. P. Goenka, 19, Belvedere Road, Calcutta-27, as a member of the Calcutta Local Board of the State Bank of India in the vacancy caused by the resignation of Shri G. K. Bhagat.

[No. F. 8/39/69-SB.]

New Delhi, the 24th April 1969

S.O. 1576.—Statement of the Affairs of the Reserve Bank of India, as on the 18th April 1969

BANKING DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Capital paid-up	5,00,00,000	Notes	15,42,20,000
Reserve Fund	150,00,00,000	Rupee Coin	4,60,000
National Agricultural Credit (Long Term Operations) Fund	143,00,00,000	Small Coin	8,64,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal
		(b) External
National Industrial Credit (Long-Term Operations) Fund	55,00,00,000	(c) Government Treasury Bills	177,07,61,000
		Balances held Abroad*	143,08,25,000
		Investments**	158,39,19,000
Deposits :—		Loans and advances to :—	
(a) Government		(i) Central Government
(i) Central Government	59,80,89,000	(ii) State Governments@	192,53,91,000

(a) State Governments	5,45,23,000	Loans and Advances to :—	
(b) Banks		(i) Scheduled Commercial Banks†	72,47,02,000
(i) Scheduled Commercial Banks	154,57,95,000	(ii) State Co-operative Banks††	203,37,97,000
(ii) Scheduled State Co-operative Banks	8,20,34,000	(iii) Others	2,36,44,000
(iii) Non-Scheduled State Co-operative Banks	54,12,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(iv) Other Banks	23,43,000	(a) Loans and Advances to :—	
(c) Others	301,55,01,000	(i) State Governments	31,33,68,000
Bills Payable	27,94,12,000	(ii) State Co-operative Banks	12,83,45,000
Other Liabilities	115,79,17,000	(iii) Central Land Mortgage Banks
		(b) Investment in Central Land Mortgage Bank Debentures	8,58,95,00
		Loans & Advances from National Agricultural Credit (Stabilisation) Fund—	
		Loans and Advances to State Co-operative Banks	4,80,17,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/Debentures issued by the Development Bank
		Other Assets	41,51,47,000
Rupees	1060,20,26,000	Rupees	1060,20,26,000

* Includes Cash, Fixed Deposits and Short-term Securities.

** Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

† Includes Rs. 56,71,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

dated the 23rd day of April, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 18th day of April 1969
ISSUE DEPARTMENT

LIABILITIES		ASSETS	
	Rs.	Rs.	Rs.
Notes held in the Banking Department	15,42,20,000	Gold Coin and Bullion :— (a) Held in India (b) Held outside India Foreign Securities	182,53,11,000 216,12,00,000
Notes in circulation	<u>3627,29,01,000</u>	TOTAL	398,95,11,000
Total Notes issued		Rupee Coin	71,61,24,000
		Government of India Rupee Securities	3172 14 86,000
		Internal Bills of Exchange and other Commercial Paper	..
Total Liabilities	36,2,71,21,000	Total Assets	3642,71,21,000

Dated the 23rd day of April 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

New Delhi, the 26th April 1969

S.O. 1577.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of section 20 of the said Act, shall not, up to the 1st February, 1971, apply to the Central Bank of India Ltd., in so far as the said provisions prohibit the grant of any loan or advance by the said banking company to the Gujarat State Fertilizers Company Ltd. being a company registered under the Companies Act, 1956, in pursuance of the cash credit limit sanctioned by the Board of the said banking company on the 28th February, 1968, or require the recovery of such loans or advances within the period specified in that sub-section.

[No. F. 15(4)-BC/69.]

K. YESURATNAM, Under Secy.

बिस्त संश्रालय

(अर्थ विभाग)

नई दिल्ली, 9 अप्रैल 1969

एस० ओ० 1578.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एनद्द्वारा यह घोषित करती है कि उक्त अधिनियम की धारा 31 और बैंकिंग विनियमन (सहकारी समिति) नियमावली, 1966 के नियम 10 के उपबन्ध, जहां तक उन का सम्बन्ध सहकारी बैंकों के 30 जून, 1968 को समाप्त हुए वर्ष के तलपटों और लाभ-हानि विवरणों के, लेखा परीक्षक की रिपोर्ट के सहित, किसी समाचारपत्र में प्रकाशित किये जाने से है, निम्नलिखित सहकारी बैंकों पर लागू नहीं होंगे

1. भोमावरम कोआपरेटिव अर्बन बैंक लिमिटेड, भोमावरम, जिला पश्चिम गोदावरी ।
2. धर्मावरम कोपरेटिव अर्बन बैंक लिमिटेड, धर्मावरम, जिला अनन्तपुर ।
3. चिपुखल्ली कोआपरेटिव अर्बन बैंक लिमिटेड, चिपुखल्ली ।
4. कालाहस्ति कोआपरेटिव टाउन बैंक लिमिटेड, कालाहस्ति, जिला चित्तूर
5. कोल्लर पार्थवी कोआपरेटिव बैंक लिमिटेड, कोल्लूर, जिला गुंटूर ।
6. आंगोल कोआपरेटिव बैंक लिमिटेड आंगोल, जिला गुंटूर ।
7. रिपल्ली कोआपरेटिव बैंक लिमिटेड, रिपल्ली, जिला गुंटूर ।
8. कोआपरेटिव बैंक लिमिटेड, सूलर, जिला श्रीकाकुलम ।
9. हिन्दुस्तान शिपयार्ड स्टाफ कोआपरेटिव बैंक लिमिटेड, विशाखापत्तनम-5 ।
10. डिब्रूगढ़ सैण्ट्रल कोआपरेटिव बैंक लिमिटेड, डिब्रूगढ़ ।
11. गोआलपाड़ा जिला सैण्ट्रल कोआपरेटिव बैंक लिमिटेड धूबड़ी ।
12. नालबाड़ी सैण्ट्रल कोआपरेटिव बैंकिंग यूनियन लिमिटेड, नालबाड़ी ।
13. गोहाटी कोआपरेटिव अर्ब, बैंक लिमिटेड, गोहाटी ।
14. श्री जनता सहकारी बैंक लिमिटेड, राधनपुर ।
15. श्री मानवधर विभागीय बैंक लिमिटेड, बनधली ।
16. पदरानगर नागरिक सहकारी बैंक लिमिटेड, पदरा ।
17. अलवी कोआपरेटिव बैंक लिमिटेड, बड़ौदा ।

18. राजकोट कर्मचारी कोऑपरेटिव बैंक लिमिटेड, राजकोट ।
19. सिहोर नागरिक सहकारी बैंक लिमिटेड, सिहोर ।
20. बड़ौदा मरकण्टाइल कोऑपरेटिव बैंक लिमिटेड, बड़ौदा ।
21. राधनपुर तालुका नागरिक सहकारी सराफ़ी मंडली लिमिटेड, राधनपुर ॥
22. अनन्तशयनम् कोऑपरेटिव सोसायटी लिमिटेड, त्रिवेन्द्रम ।
23. कंगानोर टाऊन कोऑपरेटिव ग्रबन बैंक लिमिटेड, कंगानोर ।
24. मदनचेरी सार्वजनिक कोऑपरेटिव बैंक लिमिटेड, कोचीन-2 ।
25. भंडारी कामगार सहकारी संस्था लिमिटेड, इंदौर ।
26. सहकारी कार्य संस्था शिक्षा विभाग, लिमिटेड, इंदौर ।
27. साखर कामगार सहकारी बैंक लिमिटेड, श्री शिवाजी नगर, जिला अहमदनगर ॥
28. मराठा परस्पर साहायकारी पतपेढी, लिमिटेड, बम्बई-5 ।
29. नेशनल कोऑपरेटिव बक लिमिटेड, बम्बई -8 ।
30. अमरावती पीपुल्स कोऑपरेटिव बैंक लिमिटेड, अमरावती ।
31. वर्ली कोली समाज विविध कार्यकारी सहकारी सोसायटी लिमिटेड, बम्बई-18 ।
32. मनमाड मरचेंट्स कोऑपरेटिव बैंक लिमिटेड, मनमाड, जिला नासिक ।
33. सांगली जिला कामगार कोऑपरेटिव बैंक लिमिटेड, बम्बई-4 ।
34. औरंगाबाद पीपुल्स कोऑपरेटिव बैंक लिमिटेड, औरंगाबाद ।
35. सी० के० पी० कोऑपरेटिव क्रेडिट बैंक लिमिटेड, बम्बई-28 ।
36. सैण्ट्रल टेलीग्राफ आफिस कोऑपरेटिव क्रेडिट बैंक लिमिटेड, बम्बई ।
37. देवगढ़ ग्रबन कोऑपरेटिव बैंक लिमिटेड, देवगढ़, जिला रत्नागिरी ।
38. एरण्डोल नागरिक सहकारी बैंक लिमिटेड, एरण्डोल, जिला जलगांव ॥
39. कोकण प्रान्त सहकारी बैंक लिमिटेड, बम्बई -4 ।
40. कुरुडबाडी मरचेंट्स ग्रबन कोऑपरेटिव बैंक लिमिटेड, कुरुडबाडी, जिला शोलापुर ।
41. मराठा मंदिर कोऑपरेटिव बैंक लिमिटेड, बम्बई ।
42. नेवल डांकयार्ड कोऑपरेटिव बैंक लिमिटेड, बम्बई-1 ।
43. दि नागपुर कारपोरेशन एम्प्लाइज प्रीइमरी कोऑपरेटिव बैंक लिमिटेड, नागपुर ।
44. महात्मा फुले कोऑपरेटिव क्रेडिट सोसायटी लिमिटेड, बम्बई-27 ।
45. मुम्बई कामगार नागरी सहकारी बैंक लिमिटेड, बम्बई-14 ।
46. दि नीड्स आफ लाइफ कोऑपरेटिव बैंक लिमिटेड, बम्बई-1 ।
47. पनवल कोऑपरेटिव ग्रबन बैंक लिमिटेड, पनवल, जिला कोल्हा ।
48. शोलापुर डिस्ट्रिक्ट रेवन्यू डिपार्टमेंट स्टाफ प्राइमरी कोऑपरेटिव बैंक लिमिटेड, शोलापुर ।
49. दि कालवन मर्चेंट्स कोऑपरेटिव बैंक लिमिटेड, कालवन, जिला नासिक ।
50. आजाद ग्रबन कोऑपरेटिव क्रेडिट बैंक लिमिटेड, हुबली ।

51. सांकेश्वर अर्बन कोआपरेटिव क्रेडिट बैंक लिमिटेड, सांकेश्वर ।
52. हुनगुंड तालुका टीचर्स प्राइमरी कोआपरेटिव क्रेडिट बैंक लिमिटेड, हुनगुंड ।
53. हिरेकेरुर अर्बन कोआपरेटिव बैंक लिमिटेड, हिरेकेरुर ।
54. दि जयपुर कोआपरेटिव अर्बन बैंक लिमिटेड, जयपुर, जिला कोरापुट ।
55. दि कुरली अर्बन कोआपरेटिव बैंक लिमिटेड, कुरली, रूपड़ डिस्ट्रिक्ट ।
56. बांसवाड़ा अर्बन कोआपरेटिव बैंक लिमिटेड, बांसवाड़ा ।
57. दि अर्बन कोआपरेटिव बैंक लिमिटेड, अजमेर ।
58. रेलवे श्रमिक सहकारी बैंक, बीकानेर लिमिटेड, बीकानेर ।
59. दि उभैद कोआपरेटिव क्रेडिट सोसायटी लिमिटेड, जोधपुर ।
60. श्री मीनाक्षी मिल्स एम्प्लॉईज कोआपरेटिव बैंक लिमिटेड, मडुराई ।
61. मद्रास पोस्टल ग्राडिड कोआपरेटिव क्रेडिट सोसायटी लिमिटेड, मद्रास ।
62. नार्थ अरकाट डिस्ट्रिक्ट गवर्नमेंट एम्प्लॉईज कोआपरेटिव सोसायटी लिमिटेड, बेल्लोर, जिला नार्थ अरकाट ।
63. गवर्नमेंट टेलीग्राफ एम्प्लॉईज कोआपरेटिव सोसायटी लिमिटेड, मद्रास ।
64. चिंगलपट डिस्ट्रिक्ट पब्लिक सर्विसेज कोआपरेटिव सोसायटी लिमिटेड, कांचीपुरम ।
65. मद्रास सेक्रेटेरियट स्टाफ कोआपरेटिव बैंक लिमिटेड, मद्रास ।
66. एस्सो एम्प्लॉईज कोआपरेटिव सोसायटी लिमिटेड, मद्रास ।
67. बडसेरी कोआपरेटिव क्रेडिट सोसायटी लिमिटेड, नागरकोविल ।
68. मद्रास कच्चालीछलेश्वर, कोआपरेटिव बैंक लिमिटेड, मद्रास ।
69. चित्ताद्रिपेट कोआपरेटिव बैंक लिमिटेड, मद्रास ।
70. बैस्ट मद्रास पुरसवाक्कम कोआपरेटिव बैंक लिमिटेड, मद्रास ।
71. लोयल टैक्सटाईल मिल्स लिमिटेड एम्प्लॉईज कोआपरेटिव बैंक लिमिटेड, कोविलपट्टी ।
72. टैक्सटाईल मिल्स एम्प्लॉईज कोआपरेटिव बैंक लिमिटेड, कोयमबतूर ।
73. मद्रास कोआपरेटिव स्टाफ कोआपरेटिव बैंक लिमिटेड, मद्रास ।
74. उत्तर प्रदेश टेलीग्राफ कोआपरेटिव क्रेडिट एण्ड थ्रिफ्ट सोसायटी लिमिटेड, आगरा
75. हाईकोट कोआपरेटिव सोसायटी लिमिटेड, इलाहाबाद ।
76. उत्तर प्रदेश कोआपरेटिव आफिशियस प्राइमरी कोआपरेटिव बैंक लिमिटेड, लखनऊ ।
77. रिजर्व बैंक आफ इन्डिया एम्प्लॉईज कोआपरेटिव क्रेडिट बैंक लिमिटेड, कानपुर ।
78. लखनऊ युनिवर्सिटी ऐडमिनिस्ट्रेटिव स्टाफ प्राइमरी कोआपरेटिव बैंक लिमिटेड लखनऊ ।
79. बड़नगर कोआपरेटिव सोसायटी लिमिटेड, बड़नगर, कलकत्ता-36 ।
80. बिशुपुर टाउन कोआपरेटिव बैंक लिमिटेड, बिशुपुर ।
81. ईस्ट इंडिया रेलवे एम्प्लॉईज कोआपरेटिव क्रेडिट सोसायटी लिमिटेड, कलकत्ता

[सं० 18/7/69-एस०बी०]

के० येसुरत्तम, अनुसचिव ।

(Department of Revenue and Insurance)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 10th March 1969

S.O. 1579.—In pursuance of Clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunals, 1946, the Central Government has been pleased to appoint Shri T. C. A. Ramanujam, Income-tax Officer, Class I, Cochin as Authorised Representative, Income-tax Appellate Tribunal, Cochin Bench, Cochin, to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal Cochin from 6th September 1968 to 10th October, 1968.

[No. 96/F. No. 57/20/68-Ad.VI.]

M. G. THOMAS, Under Secy.

(राजस्व और बीमा विभाग)

आयकर स्थापनाएं

नई दिल्ली, 10 मार्च, 1969

एस० ओ० 1580.—अपील अधिकरण नियम, 1946 के नियम 2 के उपनियम (ii) के खण्ड (ख) के अनुसरण में केन्द्रीय सरकार ने श्री टी० सी० ए० रामानुजम, आयकर आफिसर, वर्ग-1, कोचीन को, किसी ऐसे आयकर प्राधिकारी के लिए, जो आयकर अपील अधिकरण कोचीन के समक्ष की किसी कार्यवाही में पक्षकार हो, पेश होने, अतिवचन करने तथा कार्य करने के लिए 6 सितम्बर, 1968 से 10 अक्तूबर, 1968 तक, आयकर अपील अधिकरण, कोचीन न्यायपीठ, कोचीन का प्राधिकृत प्रतिनिधि नियुक्त किया है।

[सं० 96/फा० सं० 57/20/68-ए०डी० 6]

एम० जी० थामस अवर सचिव ।

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 21st April 1969

S.O. 1581.—In pursuance of sub-clause (f) of clause (iii) of sub-section 3 of Section 194-A of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies the Madhya Pradesh State Road Transport Corporation, Baisagarh (Bhopal) for the purposes of the said sub-clause for a period of three years.

[No. 28/F. No. 12/10/69-ITCC.]

S.O. 1582.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government appointed Shri S. Subramanian who is a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act for the period from 8th June, 1968 to 30th June, 1968.

[No. 29/F. No. 16/277/68-ITCC.]

R. D. SAXENA, Dy. Secy.

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 24th April 1969

S.O. 1583.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, "the prescribed authority" for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961), for a period of two years in the first instance :

INSTITUTION

West Suburban Voluntary Blood Bank, Bombay.

[No. 34 F. No. 10/76/68-IT(A.II).]

J. C. KALRA, Dy. Secy.

ERRATUM

In the Ministry of Finance (Department of Revenue and Insurance) Notification No. F. 5/210/69-E.D., dated 2nd April, 1969, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii), dated 3rd April, 1969 (Issue No. 125), its S.O. No. should be corrected to read as "1324" instead of "1234".

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 22nd April 1969

S.O. 1584.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the Schedule appended to its notification No. 20 (F. No. 55/1/62-IT) dated the 30th April, 1963 published as S.O. 1293 on pages 1454—1457 of the Gazette of India Part II Section 3 sub-section (ii) dated the 11th May, 1963 as amended from time to time :—

Against S. No. 5 Bombay City II, under column 3 of the Schedule appended thereto, the following shall be added :

"13. Companies Circle V"

This notification shall take effect from the 1st May, 1969.

[No. 31/F. No. 55/91/69-IT(AI).]

S.O. 1585.—In exercise of the powers conferred by Section 126 of the Income-tax Act 1961 (43 of 1961), the Central Board of Direct Taxes hereby make the following amendment to the Schedule annexed to its Notification No. 1(F. No. 55/233/63-IT) dated 18th May, 1964 :—

In the said Schedule after S. No. 41(k), the following shall be added —

1	2	3	4	5	6
41(I)	In the Ratlam Division (W. Rly)	Income-tax Officer A-Ward Ratlam	Inspecting Assistant Commissioner of Income-tax, Indore Range, Indore	Appellate Assistant Commissioner of Income-tax, Ratlam Range, Ratlam	Commissioner of Income-Tax Madhya Pradesh, Nagpur & Bhandara Nagpur

[No. 1 F. No. 55/102 69-IT (AI).]

L. N. GUPTA, Under Secy.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE

CENTRAL EXCISE

Bangalore, the 24th March 1969

S.O. 1586.—In exercise of the power conferred on me by rule 5 of the Central Excise Rules, 1944, and in supersession of this office Notification No. 3/68 dated 24th September, 1968, I hereby empower all officers of and above the rank of Assistant Collector of Central Excise to exercise within their respective jurisdiction, the powers of Collector of Central Excise under sub-rule 4 of Rule 56A of Central Excise Rules, 1944.

(Issued from file C. No. IV/8/1/69 B.2)

[No. 2/69.]

M. C. DAS, Collector.

THE MADRAS CENTRAL EXCISE COLLECTORATE

Madras, the 17th April 1969

S.O. 1587. In pursuance of Sub-rule (4) of Rule 173-G of the Central Excise Rules 1944, I hereby direct that a raw materials account be maintained by the manufacturers of excisable commodities mentioned in Column 3 of the Table annexed, in respect of the important raw materials mentioned in column 4 thereof, in the form given in the Annexure. A return in form R.T. 5 required under rule 55 of the Central Excise Rules, 1944 for such raw materials should be submitted every quarter to the jurisdictional Assistant Collector of Central Excise within three days of the quarter ending:

Provided that the manufacturers' own accounts of raw materials may be accepted by the jurisdictional Assistant Collector of Central Excise, in lieu of the form prescribed in the annexure, if such manufacturers' accounts are found to be adequate and suitable for Central Excise purposes.

TABLE

S. No.	Tariff Item No.	Description	Names of Important Raw Materials
1	2	3	4
1	1	Sugar	Sugar cane and/or Beetroot
2	1A	Confectionery.	Sugar
3	3	Tea	Green Leaf
4	4II	Cigars & Cheroots	Unmanufactured Tobacco.
5	12	Vegetable Non-essential oils	(i) oil seeds (ii) oil cake for Extraction plants (iii) unprocessed V.N.E oil for processing plants.
6	13	Vegetable product	V.N.E. oil
7	14A	Soda Ash	Common Salt.
8	14B	Caustic Soda	Common salt.
9	14BB	Sodium silicate	Soda Ash
10	14C	Glycerine	1. Soap spent lye and/or sweet water lye. 2. Commercial Glycerine for refining plants.
11	14D	Synthetic organic Dyestuff	As may be prescribed by the Collector in each individual case.
12	14DD	Synthetic organic products	Chemical compound/compounds having the optical bleaching property, such as sodium salt of Benzoyl Diamino Stilbene Disulphonic Acid.
13	14 G	Sulphuric Acid	Sulphur and/or Pyrites.

1	2	3	4
14	14 H	Carbonic Acid Gas (Carbon-dioxide)	(i) Coke, or (ii) Light Diesel oil, or (iii) any other material containing carbonates used for CO ₂ production.
15	15	Soap	V.N.E. oil or other fats including Rosin and/or soap stock. -
16	15A	Artificial or synthetic resins & plastic Materials and Articles thereof	As may be prescribed by the Collector in each individual case.
17	15AA	Surface Active Agents	The Chemical compounded, which is a surface Active Agent.
18	15B	Cellophane	Woodpulp
19	16A	Rubber products For Latex Foam Sponge	Rubber Latex
20	18	Rayon and Synthetic Fibre and yarn 1. Staple fibre of Cellulosic origin 2. Viscose yarn 3. Yarn spun out of Cellulosic staple Fibre 4. Nylon continuous Filament 5. Terene staple Fibre 6. Terene continuous Filament 7. Cellulose Acetate yarn and Fibre 8. Acrylic Fibre	Woodpulp Staple Fibre } Caprolactum (Monomer) } Polyester polymer chips Woodpulp or Ethyl Alcohol Acryl nitrile.
21	18B	Woollen Yarn (a) worsted (b) others	1. Wool top for worsted woollen yarn. 2. Raw wool for others. 3. Old Woollen fabrics etc. for shoddy wool.
22	21	Woollen Fabrics	1. Woollen yarn or 2. Grey Fabrics (for processing unit)
23	22	Rayon or Art Silk Fabrics. . . .	1. Yarn and/or 2. Grey Fabrics (for processing units)
24	22B	Textile Fabrics Impregnated	Fabrics
25	23	Cement	(i) Limestone and (ii) Gypsum
26	23C	Asbestos Cement product	(i) Portland Cement and (ii) Asbestos.
27	25	Iron in any Crude Form	Iron ore.
28	26	Steel Ingots	Iron ore and/or Steel scrap.
29	25A	Copper & Copper Alloys	1. Copper Ingots, or Copper scrap or copper ore. 2. Gullies, (for rolling mills)
30	26AA	Iron & Steel Products	(i) Steel Ingots, or (ii) Semi-finished steel, or (iii) Scrap (iv) For pipes-Plates or sheets or skelp or strips or flats or billets.
31	26B	Zinc	(i) Zinc ore, or (ii) Ingots and Bars, or (iii) Plates and sheets
32	27	Aluminium	(i) Bauxite, or (ii) Ingots and Bars, or (iii) Scraps, or (iv) Aluminium dross

1	2	3	4
33	27A	Lead	(i) Ore and/or (ii) scrap
34	28	Tin plates and Tinned sheets	Plates or sheets or strips.
35	29	Internal combustion Engines	(a) Block castings or (b) Crank cases or (c) Nozzle holders and fuel pumps.
36	29A	Refrigerating and Air-conditioning Appliances and machinery.	1. Refrigerators & Air conditioners } Compressor 2. Compressors—Compressor Block or Rotor and Stator. 3. Condensors—Copper tubing 4. Thermostats—Power element.
37	30	Electric Motors	1. Bearings. 2. Stampings for manufacture of stators only.
38	31	Electric Batteries and parts thereof.	
		1. Storage Batteries	Containers.
		2. Dry Batteries	Zinc or Aluminium rods or pellets or containers.
		3. Plates	Lead ingots or scrap.
		4. Containers and covers	Hard rubber sheets.
39	32	Electric Lighting Bulbs & Fluorescent lighting tubes.	
		(i) Bulbs	} Glass shells.
		(ii) Fluorescent Tubes Glass Tube shells.	
		(iii) Miniature Bulbs]	Metal caps.
40	33	Electric fans	Electric Motor.
41	33A	Wireless Receiving Sets	(a) Valves or transistor and (b) Gang condensers.
42	34	1. Motor vehicles excluding Tractors. 2. Tractors	1. Engine Blocks 2. I. C. Engines.
43	37A	Gramophones	Motor
44	38	Matches	Potassium chlorate
45	39	Mechanical Lighters	Body of lighter.

ANNEXURE

Account of raw materials and components

(Rule 173 G)

Name and address of the factory.....

Description of raw material/component.....

Date	Opening Balance	Quantity received	Total	Quantity used in the manufacture of		Quantity other- wise disposed of	
				Excisable goods	Other goods	Nature of the despatch	Quantity
1	2	3	4	5	6	7	8

Quantity wasted or destroyed	Closing balance	Quantity of excisable goods manufactured	Quantity of other goods manufactured	Remarks	Signature of the assessee or his agent
9	10	11	12	13	14

Total for the
month.

- NOTE :
1. Separate opening should be provided in respect of each raw material/component.
 2. If any raw material/component is used for more than one excisable goods (falling under different tariff items) or other goods manufactured, quantity used for each of such goods should be shown separately along with description of such goods by suitability sub-dividing column 5 and 6.
 3. Columns 11 and 12 need not be filled in daily; only the monthly figure may be shown against "Total for the month".

[C. No. IV/16/155/68-SRPC.]

A. R. SHANMUGAM, collector.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Petroleum)

New Delhi, the 16th April 1969

1588.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the G.G.S. IV to main collector line in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the office of the C. and M. Division (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(Laying pipeline from G.G.S. IV to main Collector Line.)

State: Gujarat

Dist.: Mehsana

Taluka : Kalol

Village	S. No.	Hectare	Are.	P.Are
Kalol	251/40	0	10	99
	251/38	0	5	86
	251/35, 36	0	17	22
	251/34	0	0	50
	251/33	0	12	43
	251/32	0	19	82
	251/10	0	1	0
	251/11	0	9	29
	251/13	0	7	88
	251/12	0	16	77
	251/1/2	0	1	0
	252/25	0	24	32
	252/24	0	1	00
	252/26	0	2	22
	252/23	0	16	44
	252/22	0	3	62
	252/30	0	27	31
	252/61	0	8	56
	252/66	0	19	00
	252/67	0	2	10
	252/69	0	3	70
	252/68	0	19	42
	V.P. Cart track village Kalol	0	5	16
	215	0	16	89
	214	0	22	2
	252/223/P	0	10	68
	252/223/P	0	4	27
	252/223/P	0	21	46
	252/223/P	0	11	70
	252/225	0	4	64
	252/228	0	12	65
	252/230 paiki	0	10	35
	252/230 paiki	0	3	44
Dhamasan	894	0	4	64
	898	0	14	76
	899	0	7	05

S.O. 1589.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from G.G.S. VI to well No. 90 (KBS) in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda 4 in the Office of the C. and M. Division (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipeline from G.G.S. VI to Well No. 90 (K.B.S.)

State: Gujarat Dist.: Mehsana Taluka: Kadi.

Village	S.No.	Hectare	Acre.	P. Acre.
Zulasan	557	0	1	41
	558/1 & 558/B	0	8	59
	558/A	0	6	37
	V.P. Cart Road	0	2	82
	559/1	0	25	36
	559/2	0	6	27
Chadasan	411	0	9	90
	416	0	18	21
	343	0	15	98
	342	0	22	04
	357	0	7	07
	358	0	6	17
	359/1	0	8	02
	V.P. Road	0	2	12
	312	0	16	98
	301	0	1	00

[No. 20/3/67-IOC/LAB. (2).]

S.O. 1590.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the well No. 98 (KHP) to GGS VI in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda 4 in the Office of the C. and M. Division (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipeline from Well No. 98 (K.H.P.) to G.G.S.—VI

State: Gujarat

Dist. Mehsana.

Taluka: Kalol.

Village	S. No.	Hectare	Acre.	P. Acre.
Pansar	111/2	0	3	74
	112/6	0	18	21
	112/5	0	5	16
	112/4	0	4	65
	112/3	0	4	75
	112/1	0	7	48
	V. P. Cart track	0	0	45
Zulasan	V.P. Cart Track	0	0	45
	535/4	0	3	74
	535/5	0	3	24
	535/3	0	1	21
	535/2	0	3	24
	535/1	0	3	52
	536/5	0	5	26
	536/1	0	4	05
	536/4	0	2	00
	557	0	12	14

[No. 20/3/67-IOC/LAB. (3).]

S.O. 1591.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the well No. 99 (KHS) to GGS VI in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda 4 in the Office of the C. and M. Division (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipeline from Well No. 99 (K.H.S.) to G.G.S. VI.

State: Gujarat

Dist. Mehsana

Taluka: Kadi.

Village	S.No.	Hectare	Acre.	P. Acre.
Zulasan	626/1	0	3	24
	626/2	0	8	09
	562	0	11	63
	560	0	9	51
	V. P. Cart Track	0	0	80
	558 A	0	3	24
	558 B & 558/1	0	8	59
	557	0	1	41

[No. 20/3/67-10C/LAB (4).]

S.O. 1592.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the well No. 103(KHR) to GGS VI in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil & Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road Near Central Workshop, Baroda, 4. in the Office of the C&M Division (Oil & Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipeline from Well No. 103 (K.H.R.) to G.G.S. VI.

State:—Gujarat		Dist.:—Mehsana		Taluka:—Kadi.	
Village	S. No.	Hectare	Arc.	P. Arc.	
Chadasan	416	0	16	89	
u asan	536/1	0	5	46	

[No. 20/3/67-IOC/LAB(5).]

S.O. 1593.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the well No. 46(KCA) to well No. 99(KHS) in the Kalol Oil Field, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the Schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (i) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda, 4. in the Office of the C&M Division (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

(Laying Pipelines FROM Well No. 46(K.C.A.) to Well No. 99 (K.H.S.)

State: Gujarat		Dist.: Mehiana		Taluka: Kadi	
Village	S. No.	Hectare	Arc.	P. Arc.	
Zulasan	955	0	7	28	
	954	0	5	06	
	953	0	6	37	
	959/1	0	4	35	

I	2	3
	960	8 89
	961	23 54
	V.P. Cart track	1 10
	664/2	13 65
	V.P. Cart track	0 50
	657/1	17 29
	635	11 93
	616/3	1 61
	616/1 & 2	12 84
	629/2	11 73

[No. 20/3/87/IOC/LAB.(6).]

New Delhi, the 18th April 1969

S.O. 1594.—Whereas, by the notification of the Government of India, issued under sub-section (1) of section 6 of the Petroleum Pipelines (Acquisition of right of user in Land) Act 1962, the right of user has been acquired in the lands, specified in the Schedule appended hereto, for the transport of Petroleum from Well Nos. 93 & 76 to G.G.S. I in Kalol Oil Field in Gujarat State;

And, whereas, the Oil and Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of Section 7 of the said Act on 27th April 1968.

Now, therefore, under rule 4 of the Petroleum Pipelines (Acquisition of right of user in land) Rules 1963, the competent Authority hereby notifies the said date as the date of termination of the operations referred to above.

SCHEDULE

(Termination of operation of Pipeline from Well Nos. 93 & 76 to G.G.S. I).

Name of Ministry	Village	S.O. No.	Date of publication in the Gazette of India	Date of Termination of operation
Petroleum & Chemicals	Sertha	2565	20-7-1968	27-4-1968

[No. 20/3/87-IOC/LAB.]

New Delhi, the 22nd April 1969

S.O. 1595.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 193 dated, 4th January, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of right of user in land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification

is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from Wavel—2 A to flare point)

State: Gujarat	Dist.: Gandhinagar	Taluka: Gandhinagar.		
Village	S. No.	Hectare	Acre.	P. Are.
Indroda	107	0	7	48

[No. 20/3/67-IOC/LAB.]

(Department of Petroleum)

ERRATA

New Delhi, the 21st April 1969

S.O. 1596.—In the notification of Government of India in the Ministry of Petroleum and Chemicals No. 29/7/68/IOC/Lab(6) dated 6th February, 1969, published under S.O. 728 in the Gazette of India, Part II, Section 3, Sub Section (ii) dated 22nd February, 1969

READ	FOR
BDF	DBDF
149/1	152/2

[No 29/7/68-IOC/Lab.(b).]

S.O. 1597.—In the notification of Government of India, in the Ministry of Petroleum and Chemicals No. 29/7/68-IOC/LAB(1), dated 6th February, 1969, published under S.O. No. 723 in the Gazette of India, Part II, Section 3, Sub Section (ii) dated 22nd February, 1969.

READ	FOR
267/1	261/1
147/1	167/1

[No. 29/7/68-IOC/Lab.(b).]

R. K. SINHA, Under Secy.

(Department of Mines and Metals)

New Delhi, the 24th April 1969

S.O. 1598.—In exercise of the powers conferred by sub-section (1) of section 15 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952) read with rule 21 of the Coal Mines (Conservation and Safety) Rules, 1954, the Central Government hereby makes the following further amendments to the notification of the Government of India in the late Ministry of Steel, Mines and Metals (Department of Mines and Metals) No. S.O. 3989, dated the 28th October, 1967 relating to the reconstitution of the Advisory Committee on Stowing, namely:—

In the said notification, for item 7 and the entries relating thereto, the following shall be substituted, namely:—

7. Shri B. L. Azarwalla P. O. Jharla	Member	Representative of the Indian Colliery Owners Association."
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[No. C5-4(2)/67.]

V. K. HARURAY, Under Secy.

(Department of Mines and Metals)

ERRATA

New Delhi, the 24th April 1969

S.O. 1589.—In the notification of the Government of India in the Ministry of Steel Mines and Metals (Department of Mines and Metals) No. S.O. 2932, dated the 31st July, 1968 published in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 24th August, 1968:—

at page 3829—

- (1) In line 3, for "the 31st July, 1969" "read" "the 31st July, 1968."
- (2) In line 18, for "Borbi Block" read "Gorbi Block"

[No. C2-22(3)/67.]

M. S. K. RAMASWAMI, Dy. Secy.

MINISTRY OF STEEL AND HEAVY ENGINEERING

New Delhi the 3rd May 1969

S.O. 1600.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Iron and Steel (Control) Order, 1956, namely:—

1. (i) This order may be called the Iron and Steel (Control) Amendment Order, 1969.

- (ii) It shall come into force on the date of its publication in the Official Gazette.

2. In the Iron and Steel (Control) Order, 1956, in clause 28, in clause (c), for the words "enter and search, or authorise any person to enter and search, any premises and seize or authorise any person to seize any article", the words "enter and search, or authorise any Gazetted Officer to enter and search, any premises and seize, or authorise the officer aforesaid to seize, any article" shall be substituted.

[No. SC(I)-1(2)/68.]

C. A. NAIR, Under Secy.

MINISTRY OF COMMERCE

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDERS

New Delhi, the 7th April 1969

S.O. 1601.—M/s. Prakash Fruit Co., 19, Sabzi Mandi, Delhi, were granted permit No P/E/O164188 dated 17th September, 1968 valued Rs. 55,000/- for import of Fresh Fruits (Grapes) from Afghanistan under the Indo-Afghan Trade Arrangement 1968-69. They have applied for the duplicate Exchange Control Copy of the said permit on the ground that the original Exchange Control Copy has been lost/misplaced after having been registered with Hussainiwalla, Ferozepore Custom House and utilised partly.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that the original Exchange Control Copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control Copy of the permit No. P/E/O164188 dated 17th September, 1968 has been lost/misplaced and direct that duplicate Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control Copy of the Permit is hereby cancelled.

[No. F. 21(A)/IV/PER/P-1(22)/AJ-69/AFTR/CLA.]

S.O. 1602.—M/s. Manohar Lal Sehtya & Co., 16-C, Indra Market, Subzi Mandi, Delhi, were granted Permit No. P/E/0164110, dated 16th September, 1968, for Rs. 62,370 for import of Fresh Fruits (Grapes) from Afghanistan under the Indo-Afghan Trade Arrangement 1968-69. They have applied for a duplicate of the Exchange Control Purposes Copy of the said permit on the ground that original has been lost/misplaced after having been registered with Hussainiwala, Ferozepore Custom House. It is further stated that the said permit was fully utilised by them.

In support of their declaration the firm have filed an affidavit duly attested by a Notary Public stating that the original Permit has been lost/misplaced.

I am satisfied that the original Exchange Control Purposes Copy of permit No. P/E/0164110, dated 16th September, 1968, has been lost and direct that duplicate of the Exchange Control Purposes Copy of the said permit may be issued to the applicant.

The original Exchange Control Purposes Copy is hereby cancelled.

[No. F. 21(A)/IV/PER/M-1(34)/AJ-69/CLA/AFTR.]

No. 1603.—M/s. Prakash Fruit Co., 19, Subzi Mandi, Delhi-7, were granted permit No. P/E/0164198, dated 18th September, 1968, valued Rs. 11,000 for import of Fresh Fruits (Anar Bedana) from Afghanistan under the Indo-Afghan Trade Arrangement 1968-69. They have applied for the duplicate Exchange Control Copy of the said permit on the ground that the original Exchange Control Copy has been lost/misplaced after having been registered with Hussainiwala, Ferozepore Custom House and partly utilised.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that the original Exchange Control Copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control Copy of the Permit No. P/E/0164198, dated 18th September, 1968, has been lost/misplaced and direct that duplicate Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control Copy of the Permit is hereby cancelled.

[No. F. 21(A)/IV/PER/P-1(23)/AJ-69/AFTR/CLA.]

S.O. 1604.—M/s. Krishan Lal Mahajan & Sons, 126, Tilak Bazar, Delhi-6 were granted permit No. P/E/164200, dated 18th September, 1968, valued Rs. 20,000 for import of Fresh Fruits (Anar Bedana) from Afghanistan under the Indo-Afghan Trade Arrangement 1968-69. They have applied for the duplicate Exchange Control Copy of the said permit on the ground that the original Exchange Control Copy has been lost/misplaced after having been registered with Hussainiwala, Ferozepore Custom House. It is further stated that the said permit was fully utilized by them.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that the original Exchange Control Copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control Copy of the Permit No. P/E/0164200, dated 18th September, 1968, has been lost/misplaced and direct that duplicate Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control Copy of the Permit is hereby cancelled.

[No. F. 21(A)/IV/PER/P-2(9)/AJ-69/CLA/AFTR.]

S.O. 1605.—M/s. Kakar & Co., 31, Subzi Mandi, Delhi, were granted permit No. P/E/0157867, dated 24th August, 1967, valued Rs. 32,700 for import of Fresh Fruits (Grapes) from Afghanistan under the Indo-Afghan Trade Arrangement 1967-68. They have applied for the duplicate Exchange Control Copy of the said permit on the ground that the original Exchange Control Copy has been lost/misplaced after having been registered with Hussainiwala, Ferozepore Custom House. It is further stated by the party that the said permit was fully utilized by them.

In support of their declaration, the party has filed an affidavit duly attested by Notary Public stating that the original Exchange Control Copy of the said permit has been lost/misplaced. The Customs assessed value of the goods imported against the permit was Rs. 74,398.25.

I am satisfied that the Exchange Control Copy of the Permit No. P/E/0157867, dated 24th August, 1968, has been lost/misplaced and direct that duplicate Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control Copy of the Permit is hereby cancelled.

[No. F. 21(A)/IV/PER/K-1(3)/AJ-68/Afr/CL.A.]

S.O. 1606.—M/s. Prakash Fruit Co., 19, Sabzi Mandi, Delhi, were granted permit No. P/E/0164185, dated 17th September, 1968, valued Rs. 12,000 for import of Fresh Fruits (Anar Bedana) from Afghanistan under the Indo-Afghan Trade Arrangement 1968-69. They have applied for the duplicate Exchange Control Copy of the said permit on the ground that the original Exchange Control Copy has been lost/misplaced after having been registered with Hussaniwala, Feroz-pore, Custom House and utilised partly.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that the original Exchange Control Copy of the said permit has been lost/misplaced.

I am satisfied that Exchange Control Copy of the Permit No. P/E/0164185, dated 17th September, 1968, has been lost/misplaced and direct that duplicate Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control Copy of the Permit is hereby cancelled.

[No. F. 21(A)/IV/PER/P-1(21)/AJ 69/Afr/CL.A.]

New Delhi. the 10th April 1969

S.O. 1607.—Licence No. P/SS/1296713/C, dated 9th September, 1968, for Rs. 2,40,534 was issued to M/s. Bicky Roberts (India) Corporation, Phagwara Gate, Jullundur for the import of Wrought Iron Pressure Pipe and Milk Powder etc.

2. Thereafter a show cause notice No. B-18/68/ENF/CLA/12171 dated 24th February, 1969, was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the said licence had been obtained by fraud and misrepresentation and the goods would not serve the purpose for which these had been imported, in terms of Clause 9, sub-clause (a) and (cc) of Imports (Control) Order, 1955 as amended.

3. In response to the aforesaid show cause notice, M/s. Bicky Roberts (India) Corporation, Phagwara Gate, Jullundur had, by their letter dated 8th March, 1969 furnished a detailed explanation and had also asked for personal hearing with the undersigned which was allowed to their representative on 22nd March, 1969. In their said reply and at the time of personal hearing, the firm contended that allegation made against them of having obtained the licence by fraud and misrepresentation was contrary to the facts and that they had adequate machinery for the utilisation of the goods.

4. The undersigned has carefully examined the said representation and has come to the conclusion that the contention of the firm is not based on facts and the above licence has been obtained by misrepresentation of facts. They had represented to the Director of Industries Punjab, Chandigarh in their letter dated 22nd May, 1968, that they had expanded their manufacturing programme by manufacturing Baby food and Malted Milk food and their case should be recommended to the Joint Chief Controller of Imports and Exports, Central Licensing Area, New Delhi for the inclusion of Milk Powder in their import licence. On the Director of Industries recommendation based on their statement in the above said letter dated 22nd May, 1968, the item Milk Powder was included in the import licence. But it has now come to notice that they had purchased machinery for the manufacture of Baby food and Malted Milk food on 18th September, 1968, 30th September, 1968, and 8th October, 1968 i.e. much after their statement to the Director of Industries Punjab, Chandigarh in their letter dated 22nd May, 1968, that they had expanded their manufacturing programme by manufacturing Baby food and Malted Milk food, and even after the issue of the above import licence. The licence has, therefore, been obtained on misrepresentation of facts.

5. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the power

vested in him under Clause 9, sub-clause (a) of the Imports (Control) Order, 1955 as amended hereby cancel the licence No. P/SS/1296713/C dated 9th September, 1968 for Rs. 2,40,534 for the import of Wrought Iron pressure Pipe and Milk Powder etc., issued in favour of M/s. Bicky Roberts (India) Corporation, Phagwara Gate, Jullundur

M/s Bicky, Roberts (India) Corporation, Phagwara Gate, Jullundur.

[No B-18/68/ENF/CLA/292.]

S.O. 1608.—Licence No. P/SS/1396568/C, dated 14th August, 1968, for Rs. 1,62,016/ was issued to M/s. Bicky Roberts (India) Corporation, Phagwara Gate, Jullundur for the import of Wrought Iron Pressure Pipe and Milk Powder etc.

2. Thereafter a show cause notice No. B-18/68/ENF/12171 dated 24th February, 1969, was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the said licence had been obtained by fraud and misrepresentation, in terms of Clause 9, sub-clause (a) of Imports (Control) Order, 1955 as amended.

3. In response to the aforesaid show cause notice, M/s. Bicky Roberts (India) Corporation, Phagwara Gate, Jullundur had, by their letter dated 9th March, 1969, furnished a detailed explanation and had also asked for personal hearing with the undersigned which was allowed to their representative on 22nd March, 1969. In their said reply and at the time of personal hearing, the firm contended that allegation made against them of having obtained the licence by fraud and misrepresentation was contrary to the facts and that they had adequate machinery for the utilisation of the goods.

4. The undersigned has carefully examined the said representation and has come to the conclusion that the contention of the firm is not based on facts and the above licence has been obtained by misrepresentation of facts. They had represented to the Director of Industries Punjab, Chandigarh in their letter dated 22nd May, 1968, that they had expanded their manufacturing programme by manufacturing Baby food and Malted Milk food and their case should be recommended to the Joint Chief Controller of Imports and Exports, Central Licensing Area, New Delhi for the inclusion of Milk Powder in their import licence. On the Director of Industries recommendation based on their statement in the above said letter dated 22nd May, 1968, the item Milk Powder was included in the import licence. But it has now come to notice that they had purchased machinery for the manufacture of Baby food and Malted Milk food on 18th September, 1968, 30th September, 1968 and 8th October, 1968 i.e. much after their statement to the Director of Industries Punjab, Chandigarh in their letter dated 22nd May, 1968, that they had expanded their manufacturing programme by manufacturing Baby food and Malted Milk food and even after the issue of the above import licence. The licence has, therefore, been obtained on misrepresentation of facts.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9, Sub-clause (a) of the Imports (Control) Order, 1955 as amended hereby cancel the licence No. P/SS/1296568/C dated 14th August, 1968 for Rs. 1,62,016 for the import of Wrought Iron Pressure Pipe and Milk Powder etc., issued in favour of M/s. Bicky Roberts (India) Corporation, Phagwara Gate, Jullundur.

M/s. Bicky Roberts (India) Corporation, Phagwara Gate, Jullundur.

[No. B-18/68/ENF/CLA/293.]

S.O. 1609.—M/S. Delhi Small Scale Industries, 32-Okhla Industrial Estate, New Delhi were granted an import licence No. P/SS/1608846/C/XX/25/C D/ 25-26 dated 30th November, 1967, for import of (1) Cylindrical Roller Bearings other than those mentioned in App. 14(5)(a) and (b) of the current Red Book, (2) Taper Roller Bearings other than those mentioned in App. 14(6)(a) of the current Red Book, (3) Brass Strips, (4) Phosphorus Bronze Wire and (5) Special Design Reduction Gear Motors (6) Permissible Type of Roller Bearings for Rs. 1,06,866 (Rupees One lakh, Six thousand, Eight hundred and sixtysix only). They have applied for the issue of duplicate Customs Purpose copy of the said licence on the ground that Customs Purpose copy of the licence has been misplaced without having been registered with any Custom House.

2. The applicant have filed an affidavit on stamped paper in support of their contention as required under para 299(2) read with Appendix 8 of the I.T.C. Hand Book of Rules and Procedure, 1968. I am satisfied that the original Customs Purpose copy of the licence has been misplaced and;

3. In exercise of the powers conferred on me under clause 9(cc) Imports (Control) Order, 1955 dated 7th December, 1953, as amended up-to-date, I order cancellation of Customs Purpose copy of licence No P/SS/1608846/C/XX/25/CD/25-26 dated 30th November, 1967.

4. The applicants case will now be considered for issue of a duplicate Customs Copy of the said licence in accordance with para 299(2) of I.T.C. Hand Book of Rules and Procedure, 1968.

[No. F.D-1/AM. 68/AU-U.T./CLA.]

RAM MURTI SHARMA,

Jt. Chief Controller of Imports and Exports.

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Calcutta the 8th April 1969

S.O. 1610—An actual users licence No. P/S/1628646/C/XX/27/C/25-26 dated 13th May, 1968 of the value of Rs. 5,000/- for import of Polyethylene Moulding Powder and P/SS/1629235/C/XX/28/C/25-26 dated 31st July, 1968 of the value of Rs. 5,000/- for import of Acrylic Plastic Sheets was issued to M/s. Orient Industries, P.O. Charanpa, Rly. Station, Bhadrak, District Balasore, Orissa.

2. Thereafter, a show cause notice No. 37/69/E&L, dated 12th March, 1969 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the firm are not in existence at the address given in the import application in terms of Clause 9, sub-clause (CC).

3. The aforesaid show cause notice has been returned undelivered by the Postal authorities with the remarks "firm abolished, return to sender".

4. The undersigned has carefully examined the case and has come to the conclusion that the purpose for which the licence in question was issued would not be served.

5. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9, sub-clause (C) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/S/1628646/C/XX/27/C/25-26 dated 13th May, 1968 for Rs. 5,000/- and P/SS/1629235/C/XX/28/C/25-26 dated 31st July, 1968 for Rs. 5,000/- issued in favour of M/s. Orient Industries, P.O. Charanpa, Rly. Station Bhadrak, District Balasore, Orissa.

[No. 37/69/E&L.]

M. S. PURI,

Dy. Chief Controller of Imports and Exports.

(Office of the Deputy Chief Controller of Imports and Exports)

ORDER

Kanpur, the 16th April 1969

S.O. 1611—The Import licence No. P/E/10090416, dated the 12th August, 1968 for Rs. 1,943 for the import of Spare parts for Petrol/Kerosene Engines as per conditions in the Red Book of AM-69 was issued to M/s Universal Radio & Engg. Co., Lucknow.

Thereafter a show cause notice No. Enf. I(212)/1969/Kan/2001, dated the 27th February, 1969 was issued asking them to Show Cause within seven days of the date of receipt of the said notice as to why the said licence in their favour should not be cancelled on the ground that the licence was issued inadvertently in terms of clause 9(a) of the Import (Control) Order, 1955 as amended.

In response to the above Show Cause Notice the party has informed that they have no objection for the cancellation of the licence issued to them inadvertently.

Having regard to what has been stated in the proceeding paragraph the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore the undersigned in exercise of powers vested in him under clause 9 sub-clause (a) of the Import (Control) Order, 1955 hereby cancels the licence No. P/E/0090416, dated the 12th August, 1968 for Rs. 1,943 issued in favour of M/s. Universal Radio & Engg. Co., Lucknow.

To,

M/s. Universal Radio & Engg. Co.,
34, Lal Bagh Road,
LUCKNOW.

[No. ENF. I(212)/1969/KAN.]

O. N. ANAND,
Dy. Chief Controller of Imports & Exports.

MINISTRY OF FOREIGN TRADE AND SUPPLY

(Department of Foreign Trade)

New Delhi, the 9th April 1969

S.O. 1612.—Subject to admissibility Shri A. K. Roy, IAS, Chairman, Tea Board, is granted extension of earned leave for 2 days namely 10th and 11th April, 1969 with permission to suffix 2nd Saturday—the 12th April, 1969 and Sunday—13th April, 1969 to the leave.

[No. F. 1(1)-Plant(A)/69.]

M. L. GUPTA, Under Secy.

(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 23rd April 1969

S.O. 1613 —Mr. H. P. L. Gunawardana, 43 Friends Colony, New Delhi was granted Custom Clearance Permit No. P/J/2364027/N/MJ/23/H/27-28 dated 23rd July, 1968 for Rs. 20,000/- for import of a Peugeot 404 car. Mr. Gunawardana has applied for duplicate copy of the Custom Clearance Permit as the original Customs Clearance Permit has been lost. It is further stated that the original Custom clearance Permit was not registered with any Custom House and not utilised.

In support of this contention Mr. Gunawardana has filed an affidavit that the original Customs Clearance Permit No. P/J/2364027/N/MJ/28/H/27-28 dated 23rd July, 1968 has been lost and direct that a duplicate customs clearance permit should be issued to him. The original Custom Clearance Permit may be treated as cancelled.

[No. 2(J-268)/67-68/BLS/383]

New Delhi, the 24th April 1969

S.O. 1614.—Mr. Raviraj Malpe was granted Custom Clearance Permit No. P/CC/2357891/N/YY/25/C/H dated 25th May, 1967 for Rs. 13,000/- for import of a Morris Oxford Saloon Car has applied for a duplicate copy of the Custom Clearance Permit as the original Customs Clearance Permit has been lost. It is further stated that the original Custom Clearance Permit was not registered with any Custom House and not utilised

In support of this contention Raviraj Malpe has filed an affidavit that the original Customs Clearance Permit No. P/CC/2357891/N/YY/25/C/H dated 25th May, 1967 has been lost and direct that a duplicate customs clearance permit should be issued to him. The original Custom Clearance Permit may be treated as cancelled.

[No. F. 2(B.557)/65-66/1-III/BLS/433.]

II. I. MANSUKHANI, Dy. Chief Controller.

MINISTRY OF EDUCATION AND YOUTH SERVICES

New Delhi, the 11th April 1969

S.O. 1615.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act (19 of 1925), the Central Government hereby directs that the name of the undermentioned public institution shall be added to the Schedule of the said Act, namely:—

“National Book Trust, India, New Delhi.”

[No. F. 33-3/67-HE 1(BP).]

S.O. 1616.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act (19 of 1925), the Central Government hereby directs that the provision of the said Act shall apply to the Provident Fund established for the benefit of the employees of the National Book Trust, India, New Delhi.

[No. F. 33-3/67-HE-1(BP).]

T. S. KRISHNAMURTI, Dy. Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 24th April 1969

S.O. 1617.—In partial modification of Notification No. Secy/V&C/26/67 dated 13th September 1967, issued in pursuance of the provisions of Section 5 of the Delhi Development Act, 1957, in which the constitution of the Advisory Council by the Delhi Development Authority was notified for the purpose of advising the Authority on the preparation of the Master Plan and on such other matters relating to the planning of development or arising out of, or in connection with the administration of the said Act, as may be referred to it by the Authority, it is further notified that Shri Shashi Bhushan, Member Parliament (Lok Sabha) has been elected w.e.f. Friday, the 29th November, 1968/Agrahayana 8, 1890 (Saka), as a Member of the Advisory Council of the Delhi Development Authority for a term of four years subject to the other provisions of the Delhi Development Act, 1957, vice Shri Jagan Nath Pahadia resigned.

[No. Secy/V&C/26/67.]

M. L. MONGIA, Secy.

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 11th April 1969

S.O. 1618.—In exercise of the powers conferred by sub-section (1) of section 63A of the Motor Vehicles Act, 1939 (4 of 1939), and in supersession of the notification of the Government of India in the late Ministry of Transport and Shipping (Transport Wing) No. 23-T(11)/67, dated the 4th October, 1967, the Central Government hereby reconstitutes the Inter-State Transport Commission, as follows:—

Chairman

(1) Shri K. Narayanan, Joint Secretary, Ministry of Shipping and Transport.

Members

- (2) Shri V. B. Ahuja, Joint Director, Traffic (Rates), Ministry of Railways (Railway Board).
- (3) Dr. V. G. Bhatia, Director, Transport Research, Ministry of Shipping and Transport
- (4) Shri K. M. Kantawala, Chief Engineer, Public Works Department (Roads and Building), Gujarat.

[No. 23-T(11)/67.]

B. M. MAZUMDAR, Under Secy.

**पोत परिवहन तथा परिवहन मंत्रालय
(परिवहन पक्ष)**

नई दिल्ली, 11 अप्रैल, 1969

एस० ओ० 1619—मोंटेग्गाडी अधिनियम, 1939 (1939 का 4) की धारा 63-क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व परिवहन तथा पोत परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० 23-टी० (11)/67, तारीख 4 अक्तूबर, 1967 को अधिष्ठित करते हुए, केन्द्रीय सरकार एतद्वारा अन्तर्राष्ट्रिय परिवहन आयोग का पुनर्गठन करती है जो इस प्रकार है—

- | | | |
|---|---|--|
| <ol style="list-style-type: none"> (1) श्री के० नारायणन,
संयुक्त सचिव,
पोत परिवहन तथा परिवहन मंत्रालय । (2) श्री वी० बी० आहूजा,
संयुक्त निदेशक, यातायात (रेट)
रेल मंत्रालय, (रेल बोर्ड) । (3) डा० बी० जी० भाटिया,
निदेशक, परिवहन अनुसन्धान,
पोत परिवहन तथा परिवहन मंत्रालय । (4) श्री के० एम० कान्टावाला,
मुख्य इंजीनियर, सार्वजनिक निर्माण विभाग,
(सड़क और भवन)
गुजरात । | } | अध्यक्ष

सदस्य |
|---|---|--|

[स० 23/टी० (11)/67]

बी० एम० मजूमदार, अवर सचिव ।

(Transport Wing)

New Delhi, the 19th April 1969

S.O 1620.—In exercise of the powers conferred by sub-section (i) of section 15 of the Merchant Shipping Act, 1958 (44 of 1958), read with rule 3 of the Shipping Development Fund Committee (General) Rules, 1960, the Central Government hereby appoints Shri P. N. Jain, Joint Secretary to the Government of India, Ministry of Finance, as a member of the Shipping Development Fund Committee with effect from the 16th August, 1968, and makes the following

amendment in the notification of the Government of India in the late Ministry of Transport and Communications (Department of Transport) (Transport Wing) No. 33-MS(222)/38-II, dated the 17th March, 1959, namely:—

In the said notification, for the entry "16-8-65" occurring in column (3) against serial No. 2, the entry "16-8-1968" shall be substituted.

[No. 85-MD(22)/68.]

JASWANT SINGH, Under Secy.

(परिवहन-पक्ष)

नई दिल्ली, 19 अप्रैल, 1969

एस० क्रो० 1621.—पोत परिवहन विकास निधि समिति (साधारण) नियम, 1960 के नियम 3 के साथ पठित पोत परिवहन अधिनियम, 1958 (1958 का 44) की धारा 15 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्रीपी० एन० जैन, संयुक्त सचिव, भारत सरकार वित्त मंत्रालय को 16 अगस्त, 1968 से पोत-परिवहन विकास निधि समिति का सदस्य एतद्वारा नियुक्त करती है और भारत सरकार के भूतपूर्व परिवहन और संचार मंत्रालय, (परिवहन विभाग) (परिवहन पक्ष) की अधिसूचना सं० 33-एम एस (222) / 58-2, तारीख 17 मार्च, 1959 में निम्नलिखित संशोधन करती है; अर्थात् :—

उक्त अधिसूचना में, क्रम सं० 2 के सामने, स्तम्भ (3) की प्रविष्टि "16-8-65" के लिये, प्रविष्टि "16-8-1968" प्रातस्थापित की जायेगी ।

[सं० 35-एम० डी० (22)-68]

जबबन्त सिंह, अवर सचिव ।

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 18th April 1969

S.O. 1622.—In exercise of the powers conferred by section 3 of the Electricity (Supply) Act, 1948 (54 of 1948), and in partial modification of the notification No. EL-II-28(15)/67, dated the 31st October, 1967 as amended in notification of even number dated 13th December, 1967, the Central Government hereby appoints Shri K. S. Pandalai, Joint Secretary and Legal Adviser, Ministry of Law, as a Member of the Central Electricity Authority vice Shri S. Balakrishnan.

[No. EL-II-28(15)/67.]

K. P. MATHEANI, Secy.

सिंचाई व बिजली मंत्रालय

नई दिल्ली, 18 अप्रैल, 1969

एस० क्रो० 1623.—बिजली (पूर्ति) अधिनियम 1948 (1948 का 54) की धारा 3 द्वारा प्रदत्त शक्तियों की परिपालना में और अधिसूचना सं० ई० एल०-दो 28(15)/67, दिनांक 31 अक्टूबर, 1967 का, जिसका संशोधन अधिसूचना सं० ई० एल०-दो-28(15)/67

दिनांक 13 दिसम्बर, 1967 द्वारा किया गया था, अंशतः संशोधन करने हुए केन्द्रीय सरकार एतद्द्वारा श्री के० एस० पांडेलाई, संयुक्त सचिव व वैधिक सलाहकार, विधि मंत्रालय को श्री एस० बालकृष्णन के स्थान पर केन्द्रीय बिजली प्राधिकार के सदस्य के रूप में नियुक्त करती है।

[सं० ई० एल०-2-28 (15)/67.]

के० पी० मधुानी, सचिव।

CORRIGENDUM

New Delhi, the 11th April 1969

S.O. 1624.—In the Corrigendum published with the Notification of the Government of India in the Ministry of Irrigation and Power No. S.O. 1098 at page 1090 of Part II-Section 3(ii) of the Gazette of India, dated the 22nd March, 1968, the following corrections shall be carried out:—

For the word "regarding" appearing in line 6 please read "reading".

[No. EL-II.6(6)/68.]

M. RAMANATHAN,
Dy. Director, Power.

MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS HOUSING AND URBAN DEVELOPMENT

(Department of Works, Housing and Urban Development)

New Delhi, the 22nd April 1969

S.O. 1625.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column 1 of the table below, being gazetted officer of Government, to be estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed, on the estate officers, by or under, the said Act, within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column 2 of the said table.

THE TABLE

Designation of officer	Category of public premises and local limits of jurisdiction
1	2
Estate Officer, Northern Railway, New Delhi	Public premises under the administrative control of the Northern Railway situated within the local limits of the entire Northern Railway.

[No. F. 21011(4)/66-Pol.]

Directorate of Estates

New Delhi, the 24th April, 1969

S.O. 1626.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column 1 of the table below, being the officer equivalent to the rank of gazetted officer of Government, to be estate officer for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of officer	Categories of public premises and local limits of jurisdiction
1	2
Secretary, Janpath Hotels Ltd., New Delhi	Public premises belonging to the Janpath Hotels Limited within the premises of its three constituent units <i>viz.</i> , Hotel Janpath, Janpath, New Delhi; Hotel Ranjit, Maharaja Ranjit Singh Road, New Delhi and Lodhi Hotel, Link Road, New Delhi

[No. F. 21012(5)/69-Pol.IV]

S.O. 1627.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central Government hereby appoints the officers mentioned in column 1 of the table below, being gazetted officers of Government, to be estate officers for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of officers	Categories of public premises and local limits of jurisdiction
1	2
1. General Administrative Officer, Rajasthan Atomic Power Project, Plant Site, P.O. Anushakti, Via Kota (Rajasthan).	Premises belonging to, or under the administrative control of, the Rajasthan Atomic Power project.
2. General Administrative Officer, Madras Atomic Power Project, Kalpakkam, Chingleput District (Tamil Nadu).	Premises belonging to, or under the administrative control of, the Madras Atomic power Project.
3. Administrative and Accounts Officer, Atomic Minerals Division, Department of Atomic Energy, New Delhi.	Premises belonging to, or under the Atomic Minerals Division, Department of Atomic Energy, or under its administrative control outside Delhi.

(No. F. 21012(6)/69-Pol. IV]

T. K. BALASUBRAMANIAN,

Deputy Director of Estates and Ex-Officio Under Secy.

(Department of Health)

New Delhi, the 25th April 1969

S.O. 1628.—Whereas the Indian Nursing Council has, by a resolution passed at a meeting held on the 14th November, 1968, in pursuance of the provisions of sub-section (2) and (4) of section 10 of the Indian Nursing Council Act, 1947 (48 of 1947), declared that the qualifications specified therein shall be recognised qualifications for the purposes of the said Act;

And whereas the said resolution has been published in the Official Gazette with the notification of the Indian Nursing Council No. 11-1/68-INC, dated the 25th January 1969 as required by sub-section (1) of section 15 of the said Act;

Now, therefore, in pursuance of the provisions of sub-section (2) of section 15 of the Indian Nursing Council Act, 1947 (48 of 1947), the Central Government hereby makes the following further amendments in the Schedule to the said Act so as to bring it in accord with the said declaration, namely:—

In the Schedule to the said Act—

I. In Part I.

(a) under the heading "A-General Nursing", after entry 46, the following entry shall be inserted, namely:—

"47. The Vikram University, Ujjain (when issued in the year (1964))".

II In Part II, after entry 21, the following entry shall be inserted, namely:—

"22. The Holy Family Hospital, Ward Sisters Diploma (when issued
New Delhi. on or after 1st July, 1965)".

[No. F. 24-1/69-MPT.]

ORDER

New Delhi, the 11th April 1969

S.O. 1629.—Whereas by the notification of the Government of India in the late Ministry of Health No. 16-41/61 MI dated the 23rd July, 1962, the Central Government had directed that the medical qualification "M.D." granted by the University of Kansas, U.S.A. shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And, whereas, Dr Perry Arvin Klassen who possessed the said qualification is for the time being attached to the Shyamnagar Christian Hospital, Calcutta for the purposes of teaching and charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies a period of two years with effect from the date of issue of this order or the period during which Dr. Perry Arvin Klassen is attached to the said Shyamnagar Christian Hospital, Calcutta, whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-13/69-MPT]

K. DEO. Under Secy.

(Department of Health)

New Delhi, the 24th April 1969

S.O. 1630.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 15th July, 1969.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government :—

DRAFT RULES

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1969.

2. In the Drugs and Cosmetics Rules, 1945 (hereinafter referred to as "the said rules"), in rule 98, in sub-rule (1), for clause (i), the following clause shall be substituted namely :—

"(i) *The name of the drug.*—For this purpose the proper name of a drug shall be printed or written in a more conspicuous manner than the trade name, if any, which shall be shown immediately after or under the proper name and shall be :—

(a) for drug included in the Indian Pharmacopoeia or the pharmacopoeias prescribed in rule 124, the name or synonym specified in the respective pharmacopoeias followed by the letter "I.P." or as the case may be being the recognised abbreviations of the respective pharmacopoeias.

(b) for other drugs the approved name circulated by the World Health Organisation, and if no such name has been approved by the World Health Organisation the approved scientific name where known or if not known the name descriptive of the true nature and origin of the substance."

3. In rule 109 of the said rules, in sub-rule (1), for clause (a), the following clause shall be substituted, namely :—

"the proper name of the substance shall be printed or written in a more conspicuous manner than the trade name if any, which shall be shown immediately after or under the proper name,".

[No. F. 1-1/66-D.]

L. K. MURTHY, Under Secy.

CENTRAL WAREHOUSING CORPORATION

ERRATUM

In the Central Warehousing Corporation Notice No. CWC/III-5/68 Secy., dated 7th March, 1969, published at page 1035 of the Gazette of India, Para II—Section 3—Sub-section (ii), dated 15th March, 1969, under S.O. 1031, the following correction may be made :—

In line 2 of Notice, for "1953" read "1963".

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Deptt. of Industrial Development)

New Delhi, the 22nd April 1969

S.O. 1631.—In exercise of the powers conferred by sub-section (1) of section 78C of the Indian Patents and Designs Act, 1911 (2 of 1911), and in supersession of the order of the Government of India in the late Ministry of Commerce and Industry No. 16(21)TMP/62 dated the 16th May, 1963 and the order of that Government in the late Ministry of Industry and Supply No. 27(2)/TMP/64, dated 22nd August, 1964, and being satisfied that it is necessary in the public interest so to do, the Central Government hereby directs that all applications for patents (whether pending on the date of publication of this order in the Official Gazette or filed on or after that date) in respect of inventions relating to—

(1) Substances used or capable of being used as food or as medicine or drug; or

(ii) the methods or processes for the manufacture or production of any such substance as is referred to in clause (i) above;

shall be examined and processed only up to the stage of acceptance of the complete specification in so far as they relate to claims for the methods or processes of manufacture and to claims for the substances when produced by such method or process, but no notice of such acceptance shall be given to the applicant and no advertisement relating to such acceptance shall be published.

[No. F.31(3)-PP&D/68.]

HARGUNDAS, Under Secy.

औद्योगिक विकास, आन्तरिक व्यापार तथा समवाय-कार्य मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 22 अप्रैल, 1969

एस० ओ० 1632.—भारतीय पेटेंट तथा डिजाइन अधिनियम, 1911 (1911 का 2) की धारा 78 ग की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तथा भारत सरकार के भूतपूर्व वाणिज्य तथा उद्योग मंत्रालय के आदेश संख्या 16(21) टी०एम०पी०/62 दिनांक 16 मई, 1963 और भारत सरकार के भूतपूर्व उद्योग तथा संभरण मंत्रालय के आदेश संख्या 27(2)/टी०एम०पी०/64 दिनांक 22 अगस्त, 1964 का अधिलेखन करते हुए, तथा इस बात से संतुष्ट हो जाने पर कि ऐसा करना लोक हित में आवश्यक है, केन्द्रीय सरकार एतद्वारा यह निदेश देती है कि पेटेंट के लिए सभी आवेदन पत्रों की (चाहे वे इस आदेश के सरकारी राजपत्र में प्रकाशित होने की तिथि को अनिर्णीत हों अथवा वे उस तिथि को या उसके पश्चात दर्ज किये गए हों) जो निम्नलिखित आविष्कारों से सम्बन्धित हों :—

(1) आहार के रूप में या दवाई अथवा औषधि के रूप में प्रयुक्त किये जा रहे अथवा प्रयुक्त किये जाने योग्य पदार्थ ; अथवा

(2) ऐसे भी पदार्थ जिसका उल्लेख उपर्युक्त खण्ड (1) में किया गया है का निर्माण या उत्पादन करने की विधियों या प्रणालियों ;

की जांच की जाएगी तथा जहाँ तक निर्माण की विधियों या प्रणालियों के दावे तथा इस प्रकार की विधियों या प्रणालियों द्वारा तैयार किए गए पदार्थों के बारे में किए गए दावे का सम्बन्ध है, पूर्ण विशिष्ट विवरण के स्वीकृत होने की अवस्था तक ही उनकी छानबीन

की जायेगी। किन्तु इस प्रकार की स्वीकृति को कोई भी सूचना आवेदक को नहीं दी जाएगी और न ही इस प्रकार की स्वीकृति के सम्बन्ध में कोई विज्ञापन ही प्रकाशित किया जायेगा।

[सं० 31(3)—पी०पी०एण्ड डी०/68]

हरगुनदास,
अवर सचिव,

(Department of Industrial Development)

ORDER

New Delhi, the 16th April 1969

S.O. 1633/RLIUR/18.—In pursuance of rule 18 of the Registration and Licensing of Industrial Undertakings Rules, 1952, and in partial modification of the order of the Government of India in the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) No. S.O. 276/RLUIR/18/1 dated the 8th January, 1968 as amended *vide* their Order No. S.O. 1797/RLUIR/19 dated the 15th May, 1968, the Central Government hereby appoints Shri Ramnath A. Podar, President of the Federation of Indian Chambers of Commerce and Industry, New Delhi, to be a member of the Reviewing Sub-Committee of the Central Advisory Council of Industries till the 3rd November, 1969, in place of Shri G. M. Modi.

[No. F. 11(3)Lic.Pol./67.]

R. C. SETHI, Under Secy.

(Department of Industrial Development)

ORDER

New Delhi, the 17th April 1969

S.O. 1634/ECA/2/62.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order to amend the Cement (Quality Control) Order, 1962, namely:—

1. (1) This Order may be called the Cement (Quality Control) Amendment Order, 1969.

(2) It shall come into force at once.

2. In the Cement (Quality Control) Order, 1962,

(a) in sub-clause (2) of clause 1. the words "except the State of Jammu and Kashmir" shall be omitted;

(b) in clause 2,—

(i) in sub-clause (a), after the words "low heat cement", the words "portland-pozzolana cement" shall be inserted;

(ii) in sub-clause (b), for items (i) and (ii), the following items shall be substituted, namely,—

"(i) No. IS: 269-1967 relating to portland cement, rapid hardening cement and low heat cement.

(ii) No. IS: 455-1967 relating to blast furnace slag cement; and

(iii) No. IS: 1489-1967 relating to portland-pozzolana cement."

[No F. 1-4/69-Cem.]

G. RAMANATHAN, Under Secy.

(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 17 अप्रैल 1969

एस० ओ० 1635—ई० सी०ए०/2/62 : आवश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा सीमेंट (किस्म नियंत्रण) आदेश, 1962 में संशोधन करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात् :

1. (i) यह आदेश सीमेंट (किस्म नियंत्रण) संशोधन आदेश, 1969 कहलायेगा ।
- (ii) यह तत्काल लागू होगा ।
2. सीमेंट (किस्म नियंत्रण) आदेश, 1962 में,
 - (क) धारा 1 की उप-धारा (2) में, "जम्मू तथा काश्मीर राज्य को छोड़कर" शब्दों को निकाला जायेगा ;
 - (ख) धारा 2 में,—
 - (i) उप-धारा (क) में, "लोहीट सीमेंट" शब्द के पश्चात् "पोर्टलैण्ड पोञ्जलाना सीमेंट" शब्द निविष्ट होंगे;
 - (ii) उप-धारा (ख) में, मद संख्या (i) और (ii) के स्थान पर निम्नलिखित मद संख्या रखी जायेगी, अर्थात् :—
 - (i) पोर्टलैण्ड सीमेंट, रेपिड हाईनिंग सीमेंट तथा लोहीट सीमेंट से सम्बन्धित सं० आई० एस० 269-1967 ।
 - (ii) ब्लास्ट फर्नस स्लैग सीमेंट से सम्बन्धित सं० आई० एस० 455-1967; तथा
 - (iii) पोर्टलैण्ड पोञ्जलाना सीमेंट से सम्बन्धित सं० आई० एस० : 1489-1967

[सं० एफ० 1-4/69-सीमेंट.]

जी० रामनाथन, अवर सचिव ।

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 14th April 1969

S.O. 1636.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark (s), design(s) of which together with the verbal description of the design (s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified. These Standard Mark (s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each:

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS:96	Oil paste for paints interior, white	IS:96-1950 Specification for oil paste for paints interior, white	The monogram of the Indian Standards Institution consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being inscribed on the top side of the monogram as indicated in the design.	1 April 1969
2	IS :97	Oil paste for paints, jointing purposes etc. white lead	IS:97-1950 Specification for oil paste for paints, jointing purposes etc, white lead	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col.(2), the number designation of the Indian Standard being inscribed on the top side of the monogram as indicated in the design.	1 April 1969.
3	IS:695	Acetic Acid, analytical reagent grade	IS:695-1967 Specification for acetic acid	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col(2), the number designation of the Indian Standard being superscribed on the top side and the letters 'AR' being subscribed under the bottom side of the monogram as indicated in the design.	1 April 1969

	IS:2879	Mild steel for metal arc welding electrode core wire	IS:2879-1967 Specification for mild steel for metal arc welding electrode core wire	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design	1 April 1969
5	IS:3438	Silvered glass mirrors	IS:3438-1965 Specification for silvered glass mirrors for general purposes	The monogram of the Indian Standard Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 April 1969
6	IS:4510	High speed sterilisers	IS:4510-1968 Specification for horizontal cylindrical high speed steam sterilizers, pressure type	The monogram of the Indian Standards Institution consisting of letter 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	9 April 1969

[No. CMD/13/9.]

S. O. 1637.—In partial modification of the then Ministry of Ind. Dev. & Com. Affairs (Indian Standards Institution) notification No. S.O. 3126 dated 24 August 1967 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 9 September, 1967, the Indian Standards Institution hereby notifies that the marking fee per unit for acetic acid has been revised. The revised rate (x) of marking fee (x) details of which are given in the Schedule hereto annexed shall come into force with effect from 1 April 1969 :

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking fee per unit
(1)	(2)	(3)	(4)	(5)
1	Acetic acid, pure and analytical reagent grades	IS:695-1967 Specification for acetic acid	One Kg.	4.5 paise

[No. CMD/13:10]

S.O. 1638.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each:

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1	Oil paste for paints interior, white	IS:96-1950 Specification for oil paste for paints interior, white	One tonne	Rs. 5.00	1 April 1969
2	Oil paste for paints, jointing purposes etc, white lead	IS:97-1950 Specification for oil paste for paints, jointing purposes etc., white lead	One tonne	Rs. 5.00	1 April 1969
3	Mild steel for metal arc welding electrode core wire	IS:2879-1967 Specification for mild steel for metal arc welding electrode core wire	One tonne	25 Paise	1 April 1969
4	Silvered glass mirrors	IS:3438-1965 Specification for silvered glass mirrors for general purposes	1000 sq. metres	55 Paise	1 April 1969
5	High speed sterilizers	IS:4510-1968 Specification for horizontal cylindrical high speed steam sterilizers, sterilizer pressure type	Cu	Rs. 10.00	9 April 1969

[No. CMD/13:10]

S. O. 1639.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks), Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that nineteen licences, particulars of which are given in the following Schedule, have been granted authorising the licences to use the Standard Marks:

THE SCHEDULE

Sl. No.	License No. (CM/L-)	Period of Validity From To		Name and Address of the licensee	Article/Process covered by the licence and the Relevant IS: Designation
1	2	3	4	5	6
1	CM/L-1932 10-3-1969	16-3-69	15-3-70	M/s. N. D. Windsor & Co., 6-A Shaharanpur Road, Dehra Dun (U.P.) having their office at Gandhi Road, Dehra Dun.	Clinical thermometers—IS:3055-1965.
2	CM/L-1933 12-3-1969	16-3-69	15-3-70	M/s. Alkali & Chemical Corporation of India Ltd., P. O. Rishra, Distt. Hooghly, having their office at I.C.I. House, 34 Chowringhee Road, Calcutta-16.	Ziram water dispersible powder concentrates—IS: 3901-1968.
3	CM/L-1934 17-3-1969	16-3-69	15-3-70	M/s. Hindusthan Steel Limited, Durgapur Steel Plant, P. O. Durgapur-5, Distt. Burdwan.	Cold twisted steel bars—IS:1786-1966.
4	CM/L-1935 17-3-1969	16-3-69	15-3-70	M/s. Agarwal Steel Industries, Marol-Maroshi Road, Marol, Bombay-59 having their office at Kasara Street, Darukhana, Bombay-10 DD.	Structural steel (ordinary quality)—IS:1977-1962.
5	CM/L-1936 17-3-1969	1-4-69	31-3-70	M/s. Aldrian Plywood Industries (Pvt.) Ltd., Anjumana Padivattom, Edappally P. O., Ernakulam Distt., Kerala State.	Tea-chest plywood panels—IS:10-1964.
6	CM/L-1937 17-3-1969	1-3-69	28-2-70	M/s. Balaji Agrochemicals Corporation, Assisted Private Industrial Estate, Chittoor(A.P.)	BHC water dispersible powder concentrates—IS: 562-1962.
7	CM/L-1938 17-3-1969	1-3-69	28-2-70	Do.	DDT water dispersible powder concentrates—IS: 565-1961.
8	CM/L-1939 18-3-1969	1-4-69	31-3-70	M/s. Crop Health Products, D-31-1, Industrial Area, Meerut Road, Ghaziabad (U. P.) having their Regd. office at 132, Gandhi Nagar, Ghaziabad.	Aldrin emulsifiable concentrates—IS:1307-1958.

9	CM/L-1940 18-3-1969	1-4-69	31-3-70	Do.	Endrin emulsifiable concentrates—IS: 1310-1958.
10	CM/L-1941 19-3-1969	1-4-69	31-3-70	M/s. Bihar Insecticides, A-4, Industrial Area, Adityapur, Jamshedpur.	BHC dusting powder—IS:561-1962.
11	CM/L-1942 19-3-1969	1-4-69	31-3-70	M/s. Polypharm Private Limited, 29 Panchpakhadi, Near Castel Mills, Agra Road, Thana (Maharashtra State) having their office at 8 Tamarind Street, Bombay-1.	Acetic acid, AR grade only—IS:695-1967.
12	CM/L-1943 26-3-1969	1-4-69	31-3-70	M/s. M.G. Shahni & Company (Delhi) Private Limited, C-1 Co-operative Industrial Estate, Balanagar, Hyderabad-37.	Dye-based fountain pen inks, blue, black and green—IS: 1221-1959.
13	CM/L-1944 26-3-1969	1-4-69	31-3-70	M/s. Toshiba Anand Lamps Limited, Chengamanad Village, Alwaye Taluk, Ernakulam District, Kerala State having their office at XVIII/378, Mahatma Gandhi Road, Ernakulam, Cochin-11, Kerala State.	Tubular fluorescent lamps for general lighting service, 40 watts 68co, K—IS:2418-1964.
14	CM/L-1945 28-3-1969	1-4-69	31-3-70	M/s. Chelpark Company Limited, A-93, Industrial Estate, Rajajinagar, Bangalore-10.	Ferro-gallo tannate fountain pen ink (0.1 per cent iron content)—IS: 220-1959.
15	CM/L-1946 28-3-1969	1-4-69	31-3-70	Do.	Dye-based fountain pen inks, green, blue, black and red—IS: 1221-1957.
16	CM/L-1947 31-3-1969	1-4-69	31-3-70	M/s. Central Insecticides & Fertilizers, 110, Industrial Estate, Indore-3. (M.P.).	Copper oxychloride water dispersible powder concentrates—IS:1507-1966.
17	CM/L-1948 31-3-1969	1-4-69	31-3-70	M/s. Bhagsons Paint Industries (India), 16 DLF, Industrial Area, Najafgarh Road, New Delhi-15.	Enamel, interior, (a) under coating, (b) finishing, colour as required—IS:133-1965.
18	CM/L-1949 31-3-1969	1-4-69	31-3-70	Do.	(i) Oil paste for paints, interior white—IS:96-1950; (ii) Oil paste for paint, jointing purposes etc. white lead—IS:97-1950 and (iii) Oil paste for paints, zinc oxide, reduced—IS:- 99-1950.
19	CM/L-1950 31-3-1969	1-4-69	31-3-70	M/s. Central Insecticides & Fertilisers, 110 Industrial Estate, Indore-3 (M.P.).	Aldrin emulsifiable concentrates—IS:1307-1958.

[No. CMD/13 : 11]

New Delhi, the 17th April 1969

S. O. 1640.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that licence No. CM/L-1770, particulars of which are given below, has been cancelled with effect from 11 March 1969 at the request of the firm:

Licence No. and Date	Name and Address of the Licensee	Article/Process covered by the Licence Cancelled	Relevant Indian Standard
CM/L-1770 29-8-1968	M/s. Indo Asian Traders Pvt. Ltd., Nakodar Road, Jullundur-19.	Enclosed Distribution Fuse Boards and Cutouts Rewirable, 15 Amp. 250 Volts Brand 'STAND- ARD'	IS:2675-1966 Specifica- tion for Enclosed Dis- tribution Fuse Board and Cutouts for Voltage Not Exceeding 1000 Volts (<i>First Revision</i>)

[No. MDD/55 : 1770]

New Delhi, the 18 April 1969

S. O. 1641.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks), Regulations 1955, as amended from time to time, the Indian Standards Institution, hereby notifies that sixty-nine licences, particulars of which are given in the following Schedule, have been renewed:

THE SCHEDULE

S. No.	Licence No. and Date	Period From	Validity To	Name of Address of the Licensee	Articles/Process covered by the licence and the Relevant IS: Designation
1	2	3	4	5	6
1	CM/L-26 21-3-1957	1-4-69	31-4-70	Carew & Co. Ltd., Rosa, Distt. Shahjahanpur (U.P.).	Rectified spirit, grade I—IS: 323-1959.
2	CM/L-71 1-4-1958	1-4-69	31-3-70	Travancore Chemical & Manufacturing Co. Ltd., Manjummel, Post Box No. 19, ALWAYE (S. Rly.), Kerala State.	Copper sulphate technical—IS: 261-1966.
3	CM/L-120 28-3-1959	1-4-69	31-3-70	Himalayan Plywood Industries Pvt. Ltd., Tinsukia (Assam).	Tea-chest plywood panels—IS: 10-1964.
4	CM/L-167 22-2-1960	1-3-69	28-2-70	Shalimar Biscuits Pvt. Ltd., Sun Mill Estate, Sun Mill Road, Lower Parel, Bombay-13.	Biscuits—IS: 1011-1968.
5	CM/L-168 22-2-1960	1-3-69	28-2-70	Tata Fison Industries Ltd., 20 Howrah Road, Salkia, Calcutta.	BHC water dispersible powder concentrates—IS: 562-1962.
6	CM/L-173 11-3-1960	1-4-69	31-3-70	Lily Biscuit Co. Pvt. Ltd., 3 Ramakanta Sen Lane, Ultadanga, Calcutta-4.	Biscuits—IS: 1011-1968.
7	CM/L-258 29-12-1960	16-2-69	15-2-70	Boots Pure Drug Co. (India) Ltd., 17, Nicol Road, Bombay-1.	Copper oxychloride water dispersible powder concentrates—IS: 1507-1966.
8	CM/L-275 15-2-1961	1-3-69	28-2-70	Sudhir Chemical Company, 248 Samuel Street, Vadgadi, Bombay-7.	Copper oxychloride water dispersible powder concentrates—IS: 1507-1966.
9	CM/L-340 20-9-1961	1-4-69	30-9-69	Mysore Insecticides Company Pvt. Ltd., 31-A North Beach Road, Madras-1.	DDT dusting powders—IS-564-1961.
10	CM/L-357 20-11-1961	1-3-69	28-2-70	Electrical and Mechanical Corporation (India), E-4, Industrial Area, Jullundur City (Punjab).	Metal clad switches 15 amp., 250 volts with MEM type fuse base and carrier—IS: 4064-1967.

1	2	3	4	5	6
11	CM/L-386 5-3-1962	16-3-60	15-3-70	The Indian Yeast Company Ltd., Bhadrakali, Konnagar, West Bengal.	Baker's yeast, dried—IS:1320-1958
12	CM/L-389 5-3-1962	16-3-69	15-3-70	The National Insulated Cable Co of India Ltd. Shamnagar (24 Parganas, West Bengal) having their registered office at Nicco House, Hare Street, Calcutta-1.	PVC insulated cables 250/440 and 650/1100 Volts grade—IS:694 (Pts. and II)—1964
13	CM/L-475 27-11-1962	1-4-69	31-3-70	V. Gopalakrishnan Chettiar & Co. (Prop. M/s. Madura Metal Products), 32, 32-A, Bridge Station Road, Sellur, Tallakulam P.O. Madurai-2.	Wrought aluminium circles, grades SIB & SIC—IS: 21-1959
	CM/L-508 25-2-1963	16-3-69	15-3-70	Tata Fison Industries Ltd., Palluruthy, Cochin-5	Endrin emulsifiable concentrates—IS:1310-1958 <i>Type Voltage Grade Conductor</i>
15	CM/L-509 25-2-1963	16-3-69	15-3-70	Henlay Cables India Limited, Hadapsar Industrial Estate, Sholapur Road, Poona-1 having their registered office at Henlay House, Ballard Estate, Bombay-1.	PVC Insulted cable of the following types:- (a) <i>PVC Insulated Cables</i> 1. Single Core (unsheathed) 2. Single Core (PVC sheathed) 3. Circular Twin, three and four core (PVC sheathed) 4. Flat Twin with or without Earth Continuity Conductor (PVC sheathed) } 250/440 & 650/1100V Copper or Aluminium } 250/440 V Copper or Aluminium (b) <i>PVC Insulated Flexible Cords</i> 5. Circular Twin, three and four core (PVC sheathed) 6. Twin Twisted (un-sheathed) IS:694 (Parts I & II) -1964 } 250/440V } Copper only } 250/440V }
16	CM/L-514 7-3-1963	16-3-69	15-3-70	The Indian Tool Manufacturers Ltd., 101 Sion Road, Bombay-22	Parallel shank (short series) and taper shank twist drills—IS: 599-1960
17	CM/L-523 27-3-1963	1-4-69	31-3-70	Kamrup Industries Pvt. Ltd., 9, Old Court House Street, Calcutta-1 (Factory at 96 Mohendra Banerjee Road, Behala, Calcutta-34)	Tea-chest plywood panels—IS:10-1964.

18	CM/L-621 22-1-1964	1-3-69	31-8-69	Pesticides India, Udaisagar Road, Udaipur.	BHC water dispersible powder concentrates— IS : 562-1962
19	CM/L-622 23-1-1964	1-3-69	28-2-71	R. N. Datta & Co., 30 Badiadanga, 2nd Lane, Calcutta-39 having their office at Mercantile Buildings, Block 'D' 1st Floor, 10/1F Lall Bazar Street, Calcutta-1.	Steel conduits for electrical wiring—IS:1653-1964
20	CM/L-624 23-1-1964	1-3-69	28-2-70	Polymer Products Co. Opp. Indian Cork Mills, Saki Vihar Lake Road, Bombay-72 AS	Plastic water-closet seats and covers (phenolic plastic and aminoplastics)—IS:2548-1967
21	CM/L-625 30-1-1964	1-3-69	29-2-72	The Tata Iron & Steel Co. Ltd., Jamshedpur	Structural steel (Fusion welding quality)—IS:2062-1962
22	CM/L-629 18-2-1964	16-3-69	15-3-70	Usha Martin Black (Wire Ropes) Ltd., Tatisilwai, Ranchi having their Regd. Office at 14 Princep Street, Calcutta-13.	(i) Steel wire ropes for haulage purposes in mines— IS:1856-1961 and (ii) Steel wire ropes for winding purposes in mines— IS: 1855-1961.
23	CM/L-637 26-2-1964	16-3-69	15-9-69	The Mysore Iron & Steel Ltd., Bhadravati, Mysore State.	Structural steel (standard quality)—IS:226-1962.
24	CM/L-638 26-2-1964	16-3-69	15-9-69	Do.	Structural steel (ordinary quality)—IS:1977-1962.
25	CM/L-719 29-6-1964	20-3-69	15-3-70	Ajanta Iron & Steel Co., Loni Road, Shahdara, Delhi.	Structural steel (ordinary quality)—IS: 1977-1962.
26	CM/L-736 29-6-1964	16-3-69	15-3-70	Bombay Steel Rolling Mills Ltd., Kalyani, Distt. Nadia (W. Bengal).	Structural steel (standard quality)—IS:226-1962.
27	CM/L-737 29-6-1964	16-3-69	15-3-70	Do.	Structural steel (ordinary quality)—IS:1977-1962.
28	CM/L-751 30-7-1964	1-4-69	31-3-70	Himachal Government Rosin and Turpentine Factory, Nahan (H.P.)	Rosin (gum-rosin, types-pale, medium and dark)—IS: 553-1955.
29	CM/L-785 22-9-1964	16-3-69	15-3-70	Art Leather Pvt. Ltd., Bhore (Maharashtra).	Tracing cloth—IS:2037-1962.
30	CM/L-1007 2-2-1965	19-2-69	15-2-70	B.R. Herman & Mohatta (India) Pvt. Ltd., Ulhasnagar, Kalyan, Bombay.	Structural steel (standard quality)—IS:226-1962.
31	CM/L-1008 8-2-1965	16-2-69	15-2-70	Do.	Structural steel (ordinary quality)—IS:1977-1962.
32	CM/L-1009 9-2-1965	1-3-69	28-2-70	U.P. Cable Company, 4 DLF Industrial Area, Najafgarh Road, New Delhi.	<div style="display: flex; justify-content: space-between;"> <div> <p>Type</p> <p>(1) VIR taped/untaped braided and compounded cables.</p> <p>(2) Weather proof cables</p> <p>(3) Tough rubber sheathed cables.—</p> <p>IS:434 (Parts I & II)—1964</p> </div> <div> <p>Voltage Grade Conductors</p> <p>250/440 Volts</p> <p>250/440 Volts</p> <p>250/440 Volts</p> </div> <div> <p>} Copper or Aluminium</p> </div> </div>

1	2	3	4	5	6
33	CM/L-1015 26-2-1965	16-3-69	15-3-70	Capstan Meters (I) Ltd., Tank Road, (Near Durgapur), Jaipur.	Water meters (domestic type) Type A only. (a) Dry dial type, 15 mm, 20 mm, 25 mm and 40mm sizes and (b) Wet dial type, 15 mm size—IS:779-1968.
34	CM/L-1016 26-2-1965	16-3-69	15-3-70	National Electro Mechanical Co., Dhebarbhai Road, Rajkot-2.	Three-phase induction motors upto 3 HP only—IS:325-1961.
35	CM/L-1130 25-8-1965	1-3-69	31-8-69	Sarvodaya Resin Works (Prop. M/s. Prabhat General Agencies) of Jullundur Road, Hoshiarpur (Punjab).	Rosin (gum rosin, types-pale, medium and dark)—IS:553-1955.
36	CM/L-1132 27-8-1965	16-3-69	15-9-69	All India Medical Corporation, Simpoli Road, Borivli West, Bombay-2.	Organo mercurial dry seed dressing formulations—IS:3284-1965.
37	CM/L-1138 8-9-1965	1-4-69	30-9-69	Shiva Durga Iron Works (P) Ltd., 156/1 & 172/11, Madhusudhan Palchowdhury Lane, Howrah.	(i) Sluice valves for water works purposes (inside screw non-rising spindle type—upto and including 300 mm size) Class 1 & 2—IS:780-1967 and (ii) Sluice valves for water works purposes (350 mm to 1200 mm size) Class I—IS:2906-1964.
38	CM/L-1209 15-2-1966	1-4-69	31-3-70	Hindustan Kokoku Wire Ltd., 12th Milestone, Delhi-Mathura Road, Faridabad, District Gurgaon (Haryana).	Steel wire for the core of steel-cored aluminium conductors for overhead power transmission purposes—IS:398-1961.
39	CM/L-1213 25-2-1966	1-3-69	31-8-69	The Hindustan Mineral Products Co. Pvt. Ltd., Plot No. 27, Manganese Depot, Sewri, Bombay.	DDT dusting powders—IS:564-1961.
40	CM/L-1215 28-2-1966	16-3-69	15-9-69	The Mysore Iron & Steel Ltd., Bhadravati, Mysore State.	Structural steel (fusion welding quality)—IS:2062-1962
41	CM/L-1216 28-2-1966	16-3-69	15-9-69	Do.	Carbon steel bars, billets, blooms and slabs for forgings—IS:1875-1961.
42	CM/L-1220 3-3-1966	16-3-69	15-3-70	J.K. Steel & Industries Limited, Rishra, Distt. Hooghly (West Bengal) having their office at 18 Rabindra Sarani, Calcutta-1.	(i) Steel wire ropes for haulage purposes in mines—IS:1856-1961. (ii) Steel wire ropes for winding purposes in mines—IS:1855-1961.
43	CM/L-1223 9-3-1966	16-3-69	15-6-69	Calcutta Plywood Manufacturing Co., P.O. LEDO, Dist. Lakhimpur (Assam) having their office at P46-A, C.I.T. Scheme XLV, Radhabazar Lane, Calcutta-1.	Tea-chest plywood panels—IS:10-1964.
44	CM/L-1225 11-3-1966	16-3-69	15-3-70	J.J.H. Industries Private Limited, 9 Transport Depot Road (Hide Road Extension), Calcutta-27.	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes—IS:398-1961.

45	CM/L-1226 11-3-1966	16-3-69	15-3-70	Bindawala Industrial Corpn, Rishra, Hooghly, having their office at 6 Hanspukar, 1st Lane, Calcutta-7.	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes—IS: 398-1961.
46	CM/L-1227 11-3-1966	16-3-69	15-3-70	Nahan Foundry Ltd., Mahan, Distt. Sirmur (Himachal Pradesh)	Three-phase induction motors (upto 15 HP only)—IS: 325-1961
47	CM/L-1228 17-3-1966	1-4-69	31-3-70	Prakash Pulverising Mills, Industrial Area, Alwar (Rajasthan).	Aldrin dusting powders—IS: 1308-1958.
48	CM/L-1234 29-3-1966	1-4-69	31-3-70	Mehsana District Co-operative Milk Producers' Union Ltd., Dudhsagar Dairy, State Highway, Mehsana (North Gujrat).	Milk powder (whole and skim)—IS: 1165-1967.
49	CM/L-1399 28-2-1967	1-3-69	28-2-70	Bharat Minerals & Chemicals Co., Transport Depot Road, Calcutta-70.	BHC dusting powders—IS: 561-1962.
50	CM/L-1400 28-2-1967	1-3-69	28-2-70	Do.	Endrin emulsifiable concentrates—IS: 1310-1958.
51	CM/L-1403 3-3-1967	16-3-69	15-3-70	Indian Mineral Industries Ltd., Trenching Ground Approach Road, Agarpara, 24 Parganas.	BHC water dispersible powder concentrates—IS: 562-1962.
52	CM/L-140 8-3-1967	16-3-69	15-3-70	Tata Fison Industries Ltd., 431/4 Panchpakha-di Village, Balrajeshwar Road, Mulund, Bombay-80	Malathion emulsifiable concentrates—IS: 2567-1963.
53	CM/L-1407 14-3-1967	16-3-69	15-3-70	Power Cables Private Ltd., Vithalwadi, Kalyan (C. Rly.)	Polythene insulated and PVC sheathed cables, single core and twin flat, with aluminium conductors—IS: 1596-1962.
54	CM/L-1418 27-3-1967	1-4-69	30-9-69	Omega Insulated Cable Co (India) Ltd., Plot Nos. 16 & 17 Industrial Estate, Ambattur, Madras-53 having their office at 1-A Nungambakkam High Road, Madras-34.	Polythene insulated and PVC sheathed cables with aluminium conductors (single core only)—IS: 1596-1962.
55	CM/L-1419 28-3-1967	1-4-69	31-3-70	The Indian Steel Rolling Mills Ltd., Main Road, Tiruninsavur, (Chingleput Distt).	Structural steel (ordinary quality)—IS: 1977-1962.
56	CM/L-1420 28-3-1967	1-4-69	31-3-70	Do.	Structural steel (standard quality)—IS: 226-1962.
57	CM/L-1511 8-9-1967	16-3-69	15-9-69	Hemu Productions (India), Mamooobhanja Street, Aligarh (U.P.).	Mortice locks (verticle type)—IS: 2209-1966.
58	CM/L-1523 15-9-1967	16-3-69	15-3-70	National Agro-Chemicals, C-2 Industrial Area, Patna-13.	Endrin emulsifiable concentrates—IS: 1310-1958.
59	CM/L-1639 19-2-1968	16-2-69	15-2-70	The National Instruments Ltd., 1/1 Raja Subodh Mullick Road, Jadavpur, Calcutta-32.	Clinical thermometers—IS: 3055-1965.
60	CM/L-1641 22-2-1968	1-3-69	28-2-70	Mansingka Industries Pvt Ltd., Pochara, Distt Jalgaon (Maharashtra)	18 litre square tins—IS: 916-1966.
61	CM/L-1642 23-2-1968	1-3-69	28-2-70	Annapurna Pulversing Mills, Industrial Estate, Eluru, West Godavari Distt.	Malathion emulsifiable concentrates—IS: 2567-1963.
62	CM/L-1644 28-2-1968	1-3-69	28-2-70	Esso Standard Eastern Inc., Survey No. 24/3A & B Chikkabiderakallu, Neelamangla Taluka, Tumkur Road, Bangalore.	DDT water dispersible powder concentrates—IS: 565-1961.

1	2	3	4	5	6
63	CM/L-1646 5-3-1968	5-3-69	28-2-70	Standard Mineral Products Pvt Ltd., Subhash Nagar, Jogeshwari (East), Bombay-60.	Endrin emulsifiable concentrates—IS: 1310-1958
64	CM/L-1649 8-3-1968	16-3-69	15-9-69	Agarwal Hardware Works Pvt Ltd., 29 Ishwar Chatterjee, Road Sodepur, 24 Parganas.	Cold twisted steel bars for concrete reinforcement— (i) upto 14 mm dia or equivalent sections (ii) more than 14 mm dia or equivalent sections IS: 1786-1966.
65	CM/L-1650 8-3-1968	16-3-69	15-3-70	The Indian Aluminium Cables Ltd., 7/1 Mile Stone, G.T. Road, Ghaziabad (U.P.).	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes— IS: 398-1961.
66	CM/L-1651 11-3-1968	16-3-69	15-3-70	Hind Ceramics Ltd., 147 Nilganj Road, Belghoria, Calcutta-56 having their registered office at Stephen House, 1st Floor, 4 Dalhousie Square (East), Calcutta-1.	Salt-glazed stoneware pipes, 100 mm, 150 mm, and 230 mm diameter— IS: 651-1965.
67	CM/L-1658 22-3-1968	1-4-69	31-3-70	Premier Cable Company Ltd., Karukutty, Angamally P.O., Dist. Ernakulam (Kerala)	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes—IS: 398-1961.
68	CM/L-1663 27-3-1968	16-3-69	15-3-70	Oswal Electricals, 49 Industrial Area, Faridabad (Haryana)	Single-phase small Ac and universal electric motors with class A insulation, from 0.18 KW ($\frac{1}{4}$ HP) to 0.75 KW (1 HP)—IS: 996-1964.
69	CM/L-1664 27-3-1968	1-4-69	31-3-70	Brooke Bond India Ltd., Ghatkesar, P.O. Hyderabad (A.P.).	Soluble coffee powder—IS: 2791-1964.

[No. CMD/13 : 12]

(DR.) A. K. GUPTA,
Dy. Director General.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 11th April 1969

S.O. 1642.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory, namely, the Indian Medicine Pharmacy, Charminar, Hyderabad, in an implemented area, hereby exempts the said factory from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a further period of six months upto and including the 31st July, 1969.

[No. F. 6(2)/68-HI.]

New Delhi, the 14th April 1969

S.O. 1643.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment S.O. No. 2548, dated the 21st October, 1961, the Central Government hereby appoints Shri B. S. Prasad to be an Inspector for the whole of the State of Maharashtra for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(65)/64-PF.I.]

New Delhi, the 16th April 1969

S.O. 1644.—Whereas the Central Government was satisfied that—

- (i) Etawah Industries
- (ii) The Western U.P. Electric Power and Supply Company Limited
- (iii) Anand Kar Karyalaya Private Limited

were situated in Etawah area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Etawah in the State of Uttar Pradesh;

And, whereas, by virtue of their location in a sparse area, the aforesaid factories were granted exemption from the payment of the employers' special contribution under Section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment, No. S.O. 2665 dated the 2nd November, 1961;

And, whereas the Central Government is satisfied that the insurable population of the Etawah area in the district of Etawah in the State of Uttar Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

in Schedule VI to the said notification in the entries relating to serial No. 4, the entry "Etawah" in column 4 and the corresponding entries in column 5 shall be omitted.

[No. F. 6/21/69-HI(i).]

S.O. 1645.—Whereas the Central Government was satisfied that India Dal and Oil Mill was situated in Etawah area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Etawah in the State of Uttar Pradesh;

And, whereas, by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under Section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment, No. S.O. 1833 dated the 1st July, 1963;

And, whereas the Central Government is satisfied that the insurable population of the Etawah area in the district of Etawah in the State of Uttar Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

in the Schedule to the said notification in the entries relating to serial No. 13, the entries in columns 2, 3 and 4, shall be omitted.

[No. F. 6/21/69-HI(ii).]

S.O. 1646.—Whereas the Central Government was satisfied that U.P. Coöperative Spinning Mills Limited was situated in Etawah area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Etawah in the State of Uttar Pradesh;

And, whereas, by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under Section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Department of Social Security No. S.O. 951 dated the 19th March, 1965;

And, whereas the Central Government is satisfied that the insurable population of the Etawah area in the district of Etawah in the State of Uttar Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

in the Schedule to the said notification in the entries relating to serial No. 6, the entries in column 2, 3 and 4 shall be omitted.

[No. F. 6/21/69-HI(iii).]

S.O. 1647.—Whereas the Central Government was satisfied that M/s. U.P. Government Roadways was situated in Etawah area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Etawah in the State of Uttar Pradesh;

And, whereas, by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under Section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 917 dated the 16th March, 1966;

And, whereas the Central Government is satisfied that the insurable population of the Etawah area in the district of Etawah in the State of Uttar Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification, namely:—

in the Schedule to the said notification in the entries relating to serial No. 3, the entries in columns 2, 3 and 4, shall be omitted.

[No. F. 6/21/69-HI(iv).]

New Delhi, the 18th April 1969

S.O. 1648.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. T. P. Roychoudhury and Company Private Limited, 4-B, Chowringhee Place, Calcutta-13 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 31st January 1969.

[No. 8/2/69-PF.II.]

S.O. 1649.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Newkem Contractors, Harganga Mahal Dadar T.T., Bombay-14, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1968.

[No. 8/6/69-PF.II.]

S.O. 1650.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Packers Corner, Indo-Saigaon Industrial Estate, Kurla Andheri Road, Bombay-58, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of March, 1968.

[No. 8/9/69-PF.II(i).]

S.O. 1651.—In exercise of the powers conferred by first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 1st April, 1968, section 6 of the said Act shall in its application to M/s. Packers Corner, Indo-Saigaon Industrial Estate, Kurla Andheri Road, Bombay-58, be subject to the modification that for the words "six and a quarter per cent", the words "eight per cent" were substituted.

[No. 8/9/69-PF.II(ii).]

S.O. 1652.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shakti Springs Inc., 5, Gala Industrial Estate, Dumping Road, Mulund (West), Bombay-80, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of September, 1968.

[No. 8/4/69-PF.II.]

S.O. 1653.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Creative Unit Private Limited, Sassoon Building, 2nd Floor, 143 Mahatma Gandhi Road, Bombay-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of December, 1967.

[No. 8/108/63-PF.II.]

New Delhi, the 19th April 1969

S.O. 1654.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Dorflins Indo Saigaon Industrial Estate, Andheri Kurla Road, Bombay-58, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of the said Act to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of March, 1968.

[No. 8/11/69-PF.II(1).]

S.O. 1655.—In exercise of the powers conferred by first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 1st April, 1968, section 6 of the said Act shall in its application to M/s. Dorflins, Indo Saigaon Industrial Estate, Andheri Kurla Road, Bombay-58, be subject to the modification that for the words "six and a quarter per cent" the words "eight per cent" were substituted.

[No. 8/11/69-PF.II(ii).]

S.O. 1656.—In exercise of the powers conferred by first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 1st April, 1968, section 6 of the said Act shall in its application to M/s. H. A. Industries, Indo Saigaon Industrial Estate, Andheri Kurla Road, Bombay-58, be subject to the modification that for the words "six and a quarter per cent" the words "eight per cent" were substituted.

[No. 8/8/69-PF.II(ii).]

New Delhi, the 21st April 1969

S.O. 1657.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs H. A. Industries, Indo Saigaon Industrial Estate, Andheri Kurla Road, Bombay-58, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of March, 1968.

[No. 8/8/69-PF.II(i).]

S.O. 1658.—Whereas the Central Government was satisfied that the Fertilizer and Gelatine Industries was situated in Bahadura area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Moradabad in the State of Uttar Pradesh;

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employers' special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Department of Social Security, No. S.O. 2995, dated the 4th September, 1965;

'And,' whereas the Central Government is satisfied that the insurable population of the Bahadura area in the district of Moradabad in the State of Uttar Pradesh has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification namely:—

In the schedule to the said notification in the entries relating to serial No. 18, the entry 'Bahadura' in column 3 and the corresponding entry in column 4 shall be omitted.

[No. F. 6/21/69-HI.]

New Delhi, the 24th April 1969

S.O. 1659.—In exercise of the powers conferred by section 4 of 'the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2551, dated the 9th August, 1966, namely:—

In the said Notification, under the heading "Vice-Chairman" in the entry against item 2, for the words "Deputy Minister, Ministry of Health, Family Planning and Urban Development, Government of India", the words "Minister of State in the Ministry of Health and Family Planning, and Works, Housing and Urban Development, Government of India", shall be substituted.

[No. F. 3/2/69-HI.]

DAIJIT SINGH, Under Secy

श्रम, नियोजन और पुनर्वास मंत्रालय

(श्रम और नियोजन विभाग)

नई दिल्ली, 14 अप्रैल, 1969.

का० आ० 1660.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम और नियोजन मंत्रालय की अधिसूचना सं० का० आ० 2548, तारीख 21 अक्टूबर, 1961 को प्रतिष्ठित करते हुए, केन्द्रीय सरकार उक्त अधिनियम और तदधीन विरचित किसी स्कीम के प्रयोजनों के लिए, केन्द्रीय सरकार के या उसके नियंत्रणाधीन के किसी स्थापन के सम्बन्ध में, या किसी रेल कम्पनी, महा-पत्तन खान या तेल-क्षेत्र या नियंत्रित उद्योग से सम्बद्ध किसी स्थापन के सम्बन्ध में श्री बी० एस० प्रसाद को समस्त महाराष्ट्र राज्य के लिए एतद्वारा निरीक्षक नियुक्त करती है।

[सं० 20(65)/64-भ० नि०-1.]

नई दिल्ली, 18 अप्रैल, 1969

का० आ० 1661.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स टी० पी० राय चौधरी एंड कम्पनी प्राइवेट लिमिटेड, 4-बी, चौरंगी प्लेस, कलकत्ता-13 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये :

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा 31 जनवरी, 1969 से लागू करती है।

[सं० 8/2/69-भ० नि०-II.]

का० आ० 1662.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स न्यूकेम कन्स्ट्रक्शन्स, हरगंगा महल, दादर टी० टी०, मुम्बई-14 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए :

अतः, अब उक्त अधिनियम की धारा 1 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करती है।

यह अधिसूचना 1968 के अगस्त के 31 वें दिन को प्रदत्त हुई समझी जाएगी।

[सं० 8/6/69-भ० नि०-2.]

का० आ० 1663—यतः केन्द्रीय सरकार को यह प्रनीत होता है कि मैसर्स पैकर्स कार्नेर, इण्डोसैगांव इण्डस्ट्रियल एस्टेट, अंधेरी, कुरला रोड, मुम्बई-58 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए :

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करनी है ।

यह अधिसूचना 1968 की मार्च के 31 वें दिन को प्रवृत्त हुई समझी जाएगी ।

[सं० 8/9/69-भ० नि०-II(i).]

का० आ० 1664.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इस विषय में आवश्यक जांच कर लेने के पश्चात्, एतद्वारा यह विनिर्दिष्ट करनी है कि उक्त अधिनियम की धारा 6, मैसर्स पैकर्स कार्नेर, इण्डो सैगांव, इण्डस्ट्रियल एस्टेट, अंधेरी, कुरला रोड, मुम्बई-58 को लागू होने के संबंध में पहली अप्रैल, 1968 से इस उपान्तरण के अध्यधीन होगी कि "सवा छह प्रतिशत" शब्दों के लिए "आठ प्रतिशत" शब्द प्रतिस्थापित किए जायें ।

[सं० 8/9/69-भ० नि० II(ii).]

का० आ० 1665.—यतः केन्द्रीय सरकार को यह प्रनीत होता है कि मैसर्स शक्ति स्प्रिंग इन्कारपोरेटेड, 5, गाला इंडस्ट्रियल एस्टेट, डम्पिंग रोड, मुल्न्द (वेस्ट), मुम्बई-80 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहु संख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए :

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करनी है ।

यह अधिसूचना 1968 की सितम्बर के 30 वें दिन को प्रवृत्त हुई समझी जाएगी ।

[सं० 8/4/69-भ० नि० II]

का० आ० 1666—यतः केन्द्रीय सरकार को यह प्रनीत होता है कि मैसर्स फ्रिएटिव यूनिट प्राईवेट लिमिटेड, सैसून बिल्डिंग, सेकन्ड फ्लोर, 143, महात्मा गांधी रोड, मुम्बई-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए :

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्वारा लागू करनी है ।

यह अधिसूचना 1967 की दिसम्बर के 31 वें दिन को प्रवृत्त हुई समझी जाएगी ।

[सं० 8/108/68-भ० नि०-II.]

नई दिल्ली, 19 अप्रैल 1969

का० आ० 1667.—यतः केन्द्रीय सरकार को यह प्रनीत होता है कि मैसर्स डार्किन्ज, इण्डो सैगांव इण्डस्ट्रियल एस्टेट, अंधेरी, कुरला रोड, मुम्बई-58 नामक स्थापन से सम्बद्ध नियोजक

और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहियें :

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है।

यह अधिसूचना 1968 की मार्च के 31 वें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/11/69 भ० नि०— (i).]

का० आ० 1668—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इस विषय में आवश्यक जांच कर लेने के पश्चात्, एतद् द्वारा यह विनिर्दिष्ट करती है कि उक्त अधिनियम की धारा 6, मैसर्स डार्फिन्ज, इण्डो सैगांव इन्डस्ट्रियल एस्टेट, अन्धेरी कुरला रोड, मुम्बई-58 को लागू होने के संबंध में पहली अप्रैल, 1968 से इस उपान्तरण के अध्वधीन होगी कि “सवा छह प्रतिशत” शब्दों के लिए “आठ प्रतिशत” शब्द प्रतिस्थापित किये जायें।

[सं० 8/11/69 भ०-नि०-II ()].

एस० ओ० 1669.—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इस विषय में आवश्यक जांच कर लेने के पश्चात्, एतद्द्वारा यह विनिर्दिष्ट करती है कि उक्त अधिनियम की धारा 6, मैसर्स एच०ए० इन्डस्ट्रीज, इण्डो सैगांव इन्डस्ट्रियल एस्टेट, अन्धेरी, कुरला रोड, मुम्बई-58 को लागू होने के संबंध में पहली अप्रैल, 1968 से इस उपान्तरण के अध्वधीन होगी कि “सवा छह प्रतिशत” शब्दों के लिए “आठ प्रतिशत” शब्द प्रतिस्थापित किए जाएं।

[सं० 8/8/69 भ० नि०-II(ii).]

नई दिल्ली, 21 अप्रैल, 1969

एस० ओ० 1670.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एच०ए० इण्डस्ट्रीज, इण्डो सैगांव इन्डस्ट्रियल एस्टेट, अन्धेरी कुरला रोड, मुम्बई-58 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिएं :

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को एतद्द्वारा लागू करती है।

यह अधिसूचना 1968 की मार्च के 31 वें दिन को प्रवृत्त हुई समझी जाएगी।

[सं० 8/8/69-भ० नि०-II(i).]

दलजीत सिंह, अव्वर सचिव।

(Department of Labour and Employment)*New Delhi, the 11th April 1969*

S.O. 1671.—The following draft of a scheme further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 9th May, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Madras Unregistered Dock Worker (Regulation of Employment) (First) Amendment Scheme, 1969.
2. In the Schedule to the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, after item (7), the following item shall be inserted, namely :—

“8. Labour employed to work as machine mazdoors and tank sweepers.”

[No. 62/3/68-Fac.II.]

S.O. 1672.—In exercise of the powers conferred by sub-sections (3) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints with effect from the 1st April, 1969, Shri N. C. Sen Gupta, Chairman, Commissioners for the Port of Calcutta as a member of the Calcutta Dock Labour Board to represent the Central Government *vice* Shri B. B. Ghosh, nominates him to be the Chairman of the said Board, and makes the following amendments in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1322 dated the 7th April, 1967, namely :—

In the said notification,—

- (i) under the heading “*Members representing the Central Government*” for the entry against item (1), the following entry shall be substituted, namely :—

“Shri N. C. Sen Gupta, Chairman, Commissioners for the Port of Calcutta.”

- (ii) Paragraph 2 shall be omitted.

[No. 53/23/67-Fac.II.]

S.O. 1673.—In exercise of the powers conferred by sub-section (3) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints the Manager, Port Operations, Food Corporation of India, Bombay, as a member of the Bombay Dock Labour Board *vice* the Regional Director (Food), Bombay, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 582, dated the 9th February, 1967, namely :—

In the said notification, under the heading—

“*Members representing the Central Government*”,

for the entry relating to item (4), the following entry shall be substituted, namely :—

“The Manager, Port Operations, Food Corporation of India, Bombay.”

[No. 51/3/68-Fac.II.]

New Delhi, the 16th April 1969

S.O. 1674.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Commissioners for the Port of Calcutta, Calcutta, and their workmen, which was received by the Central Government on the 9th April, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 37 of 1968

PARTIES:

Employers in relation to the Commissioners for the Port of Calcutta

V.s.

Their Workmen.

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers.—Shri G. V. Karlekar, Chief Labour Officer with Shri S. P. Naha, Labour Officer.

For the workmen.—Shri P. K. Dutta and Shri D. K. Ganguly, Joint Secretary, Calcutta Port & Dock Workers Union.

STATE: West Bengal

INDUSTRY: Port/Dock.

Camp: Jamshedpur, dated, the 24th March, 1969

AWARD

The Central Government in the Ministry of Labour, Employment and Rehabilitation has, *vide* its order No. 28/45/68-LR.III dated the 24th May, 1968 referred for adjudication to this Tribunal a dispute which has been described in the schedule attached to the reference as follows:—

SCHEDULE

“Whether the deduction of the wages of the workmen in Diesel Engine Foreman's Section (Operational Staff) under the Chief Mechanical Engineer's Department booked for work on the three allowance payable holidays on the 9th April, 14th April and 1st May, 1968 by the Commissioners for the Port of Calcutta is justified? If so, to what relief the workmen are entitled?”

2. I may first describe the dispute between the parties shortly. The operational staff attached to the diesel engine foreman section of the Chief Mechanical Engineering Department of the Calcutta Port Commissioners came into existence in 1957. The operational staff are about 485 in number. They are concerned with loading and unloading of goods from the vessels or the railway wagons which come to the Port. For quicker handling of the work, the workers operate gears and appliances to aid their operational work. Their duty hours have been distributed in three shifts. The first shift consists of eight hours; the second shift consists of six and half hours but the commissioners have assumed the six and half hours to be eight hours. The third shift consists of eight hours. The shift rotates and the workers have to attend duties in different shifts by rotation. Each worker is also required to perform one hour overtime in each shift daily. This one hour is taken up by each worker coming one hour earlier to Kiddirpore Dock, King George's Dock or Calcutta Jetties where he records his attendance and takes charge of his gears and appliances. Thereafter he goes to the particular spot where he has to perform his work for the day.

3. The Calcutta Port Commissioners' work is such that their workers have to keep working every day. They have only five absolutely closed holidays. On those days, only essential work is done and a very limited number of workers are employed. 19 days in the year are what are called allowance paid holidays. On those days, the workers are entitled to receive their wages even when they are enjoying their holidays but, according to the employers, it is open to them to book the workers for work on those days. If that is done, and if the worker concerned works on those days, he is entitled to receive extra wages for doing the work on those holidays. If under the Minimum Wages Act and Rules, they become entitled to overtime wages at double the rates, they will be paid wages at those rates. If they do not become entitled to double the rates, they are paid overtime at single rates which, in common parlance, is termed departmental overtime. According to

the case of the Calcutta Port and Dock Workers Union, shortly called the Workers union, all the workers used to be booked for work on all allowance paid holidays with the result that all workers used to work for eight hours or assumed eight hours every day for six days in the week. To this was added the extra one hour's work every day. Even if an allowance paid holiday fell in a week, every worker worked on such holiday. There was thus no diminution in his earning.

4. On the 14th February, 1967, diesel engine foreman passed the order that, instead of total booking of all the workmen, there will thenceforth be partial booking. The result could be that a workman who was not booked on allowance paid holiday would loose in two ways. Firstly, he would loose the extra wages which he would have earned for working on the holiday. Secondly, he would loose the double wages which he would have earned for working more than 48 hours in a week because, even if he worked 9 hours a day, the total number of hours that he worked in a week of 3 days would be only 45 hours. The workers, therefore, refused to accept partial booking and bookings of some, out of all the men in the shift.

5. Both parties admitted that nothing particular happened in 1967. All that the Chief Mechanical Engineer did was to chargesheet some workmen on the 14th September, 1967. Enquiry has been going on into those chargesheets but they are still being kept pending. In the meantime, the union raised a dispute. The Assistant Labour Commissioner called a meeting on the 6th March, 1968. The meeting was adjourned at the request of the Labour Officer of the Calcutta Port Commissioner. At the same time, notices like Ext. MI were issued to some of the workmen by name. Each notice contained the following order:—

"You are hereby booked for duty on 9-4-1968 (allowance payable holidays). This is purely in the exigency of work and your refusal to work and/or absence on the above mentioned date without prior permission will be considered as unauthorised absence".

This was signed by the Diesel Engine Foreman. There were different notice relating to each of the three holidays mentioned above.

6. It is the admitted case of both parties that the workmen to whom the above notices were given did not attend work on the dates on which they were asked to come for work.

7. It is also common ground that payment of wages was being made to workers on the 15th May, 1968 but the wages for the 9th April, 14th April and 1st May, were not included in the wage list. The case of the workers union is that the wages of three allowance paid holidays were illegally deducted by the management whereas the case of the Port Commissioners is that there is nothing illegal about it. Workmen were given as many allowance paid holidays as possible. Ordinarily, they should be allowed to enjoy those holidays. They could not make any grievance if they are left to enjoy them. The management's case further is that gears and appliances were not all secured at one time so that only the necessary number of workers could be employed from the very beginning. So long as the number of workers was not very high, and so long as all of them were needed, they were all booked on all allowance paid holidays. When all workers ceased to be needed, the management started making partial bookings. Hence the workers could not possibly have any grievance over the action of the management.

8. I have outlined the cases of the parties in so far as I can understand what appears to be their real dispute. It is impossible for me, however, to decide that dispute in view of the terms in which the schedule of the reference has been put. The schedule requires me only to decide whether the deduction of wages of workmen in the diesel engine foreman section (Operational staff) for three allowance payable holidays on different dates is justified.

9. The problem as it is presented in the reference does not seem to present any difficulty. The workers were booked for work on allowance payable holidays when they could be booked. Personal notice to each worker was given. Each of them was further told that, if he remained absent from work without permission, his absence would be considered as unauthorised. Still, each of the workers, who were sent the notices absented himself. Each must, therefore, reap the consequence of his absence. The only penalty must be for him to loose the allowance which he would have got if he had not been booked for work. If he had attended the work on being booked, he would have received his ordinary wages for the allowance payable holidays and additionally the extra wages for doing work on that day.

10. The workers union has prayed me to give an award:—

(a) Directing the Calcutta Port Commissioners to restore the cut in the wages of the Diesel Engine Foreman operational staff for 9th April, 1968, 14th April and 1st May, 1968, which are paid holidays for the workmen involved in the dispute.

(b) Directing the Port Commissioners to pay overtime allowance to Diesel Engine Foreman operational staff at the rate of 2/240 or gross wage for their one hour fixed consolidated overtime work in shift on each day irrespective of intervention of holiday(s) in a week.

(c) Directing the Port Commissioners to restore booking of the entire staff on paid holidays.

(d) Directing the Port Commissioners to pay the Wages of the Diesel Engine Foreman Staff who have recorded their attendance in each shift with effect from 15th of May 1968, 3 P.M. to May 25, 1968, 3 P.M.

(e) Ad-interim direction upon the Calcutta Port Commissioners to stop further deduction of wages for paid holidays when the Diesel Engine Foreman Section operational staff will not work on paid holidays with effect from May, 24th 1968 the date of reference and continue to pay overtime allowance at the rate 2/240 per hour for their overtime work for one hour on a fixed consolidate basis till the final award the amount so paid will be adjusted as per terms of the final award.

(f) is a general prayer.

11. It seems to me that prayer number (a) is the only relevant prayer but I have to decide against the union for the reason which I have already given. The prayer made in paragraphs (b) to (e) are beyond the scope of this reference. Hence it is beyond my competence to give these directions.

12. In the circumstances mentioned above, my award is that the deduction of the wages payable to the workmen for the three days referred to in the schedule is justified. The second question does not, therefore, arise for consideration.

13. Let this award be submitted to the Central Government under Section 15 of the Industrial Disputes Act.

(Sd.) KAMLA SAHAI,

Presiding Officer.

Central Govt. Industrial Tribunal, Dhanbad.

[No. 28/45/68-LR.III.]

New Delhi, the 18th April 1969

S.O. 1675.—In exercise of the powers conferred by sub-section (1) and (2) of section 8 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following rules further to amend the Dock Workers (Regulation of Employment) Rules, 1962, namely:—

1. **Short title.**—(i) These rules may be called the Dock Workers (Regulation of Employment) Amendment Rules, 1969.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 3 of the Dock Workers (Regulation of Employment) Rules, 1962 (hereinafter referred to as the said rules), in sub-clause (2) for the word "Vizagapatam", the word "Visakhapatnam" shall be substituted.

3. In rule 7 of the said rules, in sub-clause (1) for the word "Vizagapatam", the word "Visakhapatnam" shall be substituted.

[No. 56/16/68-Fac.II.]

New Delhi, the 19th April 1969

S.O. 1676.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay, and their workmen, which was received by the Central Government on the 10th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 2, BOMBAY

REFERENCE No. CGIT-2/33 of 1968

Employers in relation to the Bombay Port Trust

AND

Their Workmen

PRESENT :

Shri N. K. Vani, Presiding Officer

APPEARANCES :

For the Bombay Port Trust, Bombay.—Shri R. K. Shetty, Deputy Legal Adviser, Bombay Port Trust.*For the Bombay Port Trust, General Workers' Union, Bombay.*—Shri S. Maltra, General Secretary of the Union.

STATE: Maharashtra

INDUSTRY: Ports and Docks.

Bombay, dated the 28th March, 1969

AWARD

By order No. 28(34)/66-LRIV dated 29th July, 1967, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) referred to the Central Government Industrial Tribunal, Bombay for adjudication an industrial dispute existing between the employers in relation to the Bombay Port Trust Bombay and their workmen in respect of the matters specified in the schedule as mentioned below :—

SCHEDULE

Whether the action of Bombay Port Trust, in placing Sarvashri Damodar Janoo and Shankar Vithoba Asstt. Electric Welders as junior to Sarvashri S. Sharif Yakub and Shaikh Abdul Rehman Ebrahim is justified?

2. Later on, the Central Government transferred this reference to this Industrial Tribunal No. 2 for adjudication by order No. 22/8/68-LRIII dated 25th November, 1968.

3. The facts giving rise to this reference are as follows :—

4. Shri S. Sharif Yakub was an apprentice in the Bombay Port Trust workshop from 1st September, 1948 to 10th April, 1954 and Shri Shaikh Abdul Rehman Ebrahim was also an apprentice in the Bombay Port Trust workshop from 7th November, 1949 to 6th January, 1955 (See certificate of service Ex. E-2). Both of them worked as Boiler Makers in the Bombay Port Trust workshop till 31st August 1955 (*vide* service particulars Ex. E-5 and 6).

5. Notice dated 21st July, 1955, inviting applications for the posts of Electric Welders and Asstt. Electric Welders was put up on the Notice Board of the Bombay Port Trust. In response to this notice Sarvashri S. Sharif Yakub and Shaikh Abdul Rehman Ebrahim made applications to the Bombay Port Trust authorities for these posts. On account of this, they were selected and appointed as Assistant Electric Welders with effect from 1st September, 1955, as direct recruits.

6. Sarvashri Damodar Janoo and Shankar Vithoba started their careers as Rivet Heaters in Bombay Port Trust with effect from 3rd May 1943, and 6th March 1944, respectively (*vide* service particulars Ex. E-4 and 3 respectively). Prior to 13th October 1956, sometimes they worked as Asstt. Oxygen Welders. On 13th October, 1956, both of them were appointed as Asstt. Electric Welders. Since then they are in the category of Asstt. Electric Welders. From time to time they are getting acting promotions to the post of Electric Welders.

7. Relevant list of the employees in the category of Asstt. Welders in the Bombay Port Trust workshops is given in page No. 20 in Ex. E-1. I marked this list as Ex. L for the sake of convenience. Shri S. Sharif Yakub, bearing T. No. 1842 and Shri Shaikh Abdul Rehman Ebrahim, bearing T. No. 1843 are

shown senior to Shri Damodar Janoo bearing T. No. 1844 and Shri Shankar Vithoba, bearing T. No. 1845 in the list (Ex. L) of the Asstt. Electric Welders.

8. On 12th April, 1962, the General Secretary of the Bombay Port Trust General Workers' Union made a grievance about the appointment of Sarvashri S. Sharif Yakub and Shaikh Abdul Rehman Ebrahim as Asstt. Electric Welders ignoring the rights of Sarvashri Damodar Janoo and Shankar Vithoba to the Secretary of the Bombay Port Trust, Bombay by letter (vide copy page 12. Annexure No. 1, in Ex. E-1). It appears that the Secretary of the Bombay Port Trust called for information about these promotions from the Dy. Chief Engineer, Bombay Port Trust. After getting necessary information from the Dy. Chief Engineer, under letter No. E/1-6A-6925 dated 12th June, 1962 (vide copy page 13 in Ex. E-1) the Asstt. Secretary Shri Banerjee gave necessary reply to the General Secretary of the Bombay Port Trust General Workers' Union Bombay on 6th July 1962, under his letter No. PU/GEE-G(u)/1581 dated 6th July 1962 (vide copy page 14 Ex. E-1). On 27th February, 1962, the Asstt. Secretary, Bombay Port Trust informed the General Secretary, Bombay Port Trust General Workers' Union, Bombay under his letter No. L/GEE(u)/3808 dated 27th December 1962, (vide copy page 15 in Ex. E-1) that Sarvashri Damodar Janoo and Shankar Vithoba had not actually acted as Asstt. Electric Welders before the appointments of Sarvashri S. Sharif Yakub and Shaikh Abdul Rehman Ebrahim as Asstt. Electric Welders and that they had acted as Asstt. Oxygen Welders only.

9. The dispute regarding the seniority of Sarvashri Damodar Janoo and Shankar Vithoba in the Category of Asstt. Electric Welders was taken to the Regional Labour Commissioner (Central), Bombay by the General Secretary of the Bombay Port Trust General Workers' Union, Bombay under letter dated 7th October, 1965. The Asstt. Labour Commissioner (C), Bombay tried to bring out conciliation between the parties but in vain. He ultimately submitted his report to the Secretary to the Government of India, Ministry of Labour, employment & Rehabilitation (Department of Labour and Employment), New Delhi. His failure of conciliation report was received by the Government of India on 22nd February, 1966. Thereafter the Government of India informed the parties by its letter No. 28(34)/66-LRIV dated 18th July, 1966, that it did not consider the case fit for reference to adjudication as unduly long time had elapsed since the origin of the cause of action (vide copy page 18 in Ex. E-1). Later on, after reconsideration the Government of India referred this dispute to the Central Government Industrial Tribunal, Bombay for adjudication on 29th July, 1967.

10. Shri S. Maitra, General Secretary of the Bombay Port Trust General Workers' Union has filed his written statement on behalf of the workmen (Ex. W-1) on 21st December, 1967. According to him in the Bombay Port Trust Workshop no specific channels of promotion or separate seniority had been prescribed for Asstt. Electric Welders and Asstt. Oxyacetylene Welders either by oral or written orders or under due process of law. At no time the Asstt. Oxyacetylene Welders and Asstt. Electric Welders were treated as separate for the purpose of seniority and appointment to the post of Welders. Damodar Janoo and Shankar Vithoba had acted in temporary vacancies of Asstt. Electric Welders from time to time since 1955. They must have therefore appeared and passed the required trade test, for the appointment to the post of Asstt. Electric Welder. The allegation that Sarvashri Damodar Janoo and Shankar Vithoba had failed to appear for the trade tests is not correct.

11. According to Shri Maitra, General Secretary, Bombay Port Trust General Workers' Union, Bombay Sarvashri S. Sharif Yakub and Shaikh Abdul Rehman Ebrahim were apprentices in the Bombay Port Trust Workshop before their employment as casual Boiler Makers. Casual Employees cannot claim preference or higher seniority on the basis of their period of work as casual. They cannot claim any preference over other permanent employees of the Bombay Port Trust, Bombay. As Sarvashri S. Sharif Yakub and Shaikh Abdul Rehman Ebrahim were appointed as casual Boiler Makers for a specific purpose it was not open to the Bombay Port Trust authorities to appoint them as assistant Welders. They had no actual or job experience of Oxygen or Electric Welding prior to their appointment as Asstt. Electric welders. On the other hand Sarvashri Damodar Janoo and Shankar Vithoba were already working as Asstt. Welders. In ignoring the claims of sarvashri Damodar Janoo and Shankar Vithoba and in appointing Sarvashri S. Sharif Yakub and Shaikh Abdul Rehman Ebrahim to the post of Asstt. Electric welders the employers were guilty of naked favouritism, unfair labour practice and malafide.

12. According to Shri Maitra, the *interse* seniority of Damodar Janoo, Shankar Vithoba, S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim should have been determined with reference to the date of appointment in the category of Asstt. Welders. In other words seniority of Sarvashri Damodar Janoo and Shankar Vithoba should be reckoned from 29th June 1955 and 16th June 1955 respectively. There is no justification for the Bombay Port Trust in placing them as juniors to Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim and injustice done to them be redressed.

13. Shri S. D. Chittar, Secretary, Bombay Port Trust has filed written statement on behalf of the trustees of the Port of Bombay (hereinafter referred to as 'The Employers') on 19th March 1968 at Ex. E-1. According to the employers the real dispute involved in this reference is about the promotion of Sarvashri Damodar Janoo and Shankar Vithoba on the one hand and Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim on the other hand and not about their seniority. Promotion is a management function. In the absence of violation of any existing rules or procedure applicable to the concerned workmen in the establishment at the relevant time by the employers, it would not be open to the Tribunal to intervene and set aside the promotion made by the employers.

14. According to the employers, Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim were first appointed as Asstt. Electric Welders in the Boiler shop Section of the Workshop with effect from 1st September 1955. The Union made a demand on behalf of Sarvashri Damodar Janoo and Shankar Vithoba making a grievance about the appointments of Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim under its letter No. GW/X/9/57/62 dated 12th April 1962 i.e. after a lapse of 6 years, 7 months and 11 days. Bombay Port Trust gave a reply to the Union's letter dated 27th December 1962 under letter No. L/GEE-G(u)/3808 dated 27th December 1962. The Union thereafter, did not pursue the matter. It again raked up the same issue on 7th October 1965 by its letter No. GW/X/9-57 dated 7th October 1965 addressed to the Regional Labour Commissioner (C), Bombay. As there is abnormal delay on the part of the Union in raising the dispute, this Tribunal be pleased to dismiss this claim on the ground of laches.

15. According to the employers, Sarvashri Damodar Janoo and Shankar Vithoba had never acted as Asstt. Electric Welders at any time prior to 1st September 1955. They were sometimes acting as Asstt. Oxyacetylene Welders. Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim were appointed as Asstt. Electric Welders with effect from 1st September 1955 as direct recruits as they had applied for these posts in response to the notice dated 21st July 1955 put up on the Notice Board inviting applications for the post of Electric Welders and Asstt. Electric Welders and as they were selected and found suitable for the same. Sarvashri Damodar Janoo and Shankar Vithoba had not applied for these posts. Hence they were not considered for these posts at the time of appointing Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim. Later on Sarvashri Damodar Janoo and Shankar Vithoba were appointed as Electric Welders with effect from 13th October 1956. Categories of Asstt. Electric Welders and Asstt. Oxyacetylene Welders are separate. Each category has got separate channel of promotion and seniority. There is no common seniority and common channel of promotion. In appointing Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim as Asstt. Electric Welders w.e.f. 1st September 1955, they (The employers) have not shown any favour or undue preference to them. They (The employers) are not guilty of unfair labour practice. In the category of Asstt. Electric Welder Sarvashri Damodar Janoo and Shankar Vithoba are rightly shown as juniors to Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim. Sarvashri Damodar Janoo and Shankar Vithoba are not entitled to any relief. In any case their demand cannot be given retrospective effect, because this reference does not contemplate any retrospective effect.

16. The important point for consideration is whether the action of the Bombay Port Trust in placing Sarvashri Damodar Janoo and Shankar Vithoba, Asstt. Electric Welders, (hereinafter referred to as the 'two claimants') as juniors to Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim (hereinafter referred to as the 'two rivals') is justified.

17. My finding on this point is in the affirmative for the following reasons:—

18. Admittedly the two rivals were employed as apprentices in the Bombay Port Trust workshop (*vide* certificate of service Ex. E-2). After the period of apprenticeship was over they were appointed as casual boiler makers. They worked there till 31st August 1955 (*vide* Ex. E-3 and E-6). From 1st September.

1955, they were appointed as Asstt. Electric Welders. Shri Maitra for the claimants contends that an apprentice engaged in the Bombay Port Trust is not entitled to claim any preference over permanent employees by virtue of his having worked as apprentice in the Bombay Port Trust workshop and that the Bombay Port Trust never take any responsibility or obligation to employ an 'Apprentice'.

19. The term 'Apprentice' has been defined under clause (vi) Rule 4, Chapter II of Bombay Port Trust Rules and Regulations for Non-scheduled staff as:—

"'Apprentice' means and includes a person who is a learner and is paid a stipend during the period of his training". As per Rules framed by the Employers and passed by the Trustees of the Port of Bombay, an "Apprentice" engaged in the Port Trust is not entitled to claim any preference over permanent employees of the Bombay Port Trust by virtue of his having worked as an "Apprentice" in the Bombay Port Trust workshop."

20. The term casual employee has been defined in Rule 4(V) in Chapter II of Bombay Port Trust Rules and Regulations for Non-Scheduled staff as:—

"'casual' means and includes an employee who is employed for work which is essentially of an occasional or casual nature or who is engaged to meet peak requirements or shortages due to excessive absenteeism. Casual employees are engaged for definite jobs or definite periods and for wages as fixed at the time of engagement. Such engagement does not entitle the man concerned to any service benefits".

21. In view of the above rules and regulations of the Bombay Port Trust, it is crystal clear that on 1st September 1955 the two rivals could not claim any preference over the two claimants who were permanent employees of the Bombay Port Trust for appointment to any post (as Asstt. Electric Welders) by virtue of their having worked as apprentices in the Bombay Port Trust workshop or by virtue of their work as casual boiler makers.

22. It appears that the Bombay Port Trust had invited applications for the posts of Electric Welders and Asstt. Electric Welders by displaying a notice dated 21st July 1955 on the Notice Board. In response to this notice the two rivals had applied for the posts to the Bombay Port Trust authorities. On the other hand the two claimants had not made applications for these posts of Asstt. Electric Welders.

23. In Annexure V on page 25 in Ex. E-1, duties, responsibilities, qualifications and methods of recruitment of the Asstt. Electric Welders are mentioned in column No. 8. This column shows that a person can be appointed as Asstt. Electric Welder by direct recruitment.

24. In this case the two rivals were appointed as Asstt. Electric Welders with effect from 1st September 1955 as direct recruits, because they had applied for these posts and because they were found suitable and selected for the posts. They have not been appointed simply because they were casual Boiler Makers and because they were apprentices in the Bombay Port Trust workshop before their appointment as casual Boiler Makers. They have not been given any preference over the permanent employees by virtue of their having worked as Apprentices and as casual Boiler Makers in the Bombay Port Trust Workshop. As the two claimants had not made applications for the posts of Asstt. Electric Welders in response to the notice dated 21st July 1955, they were not considered.

25. Shri Maitra for the claimants contends that the two claimants had acted in the temporary vacancies of Asstt. Electric Welders from time to time from 20th May 1955 and 16th June 1955 respectively. This contention cannot be accepted.

26. Service particulars of Sarvashri Damodar Janoo and Shanker Vithoba are produced at Ex. E-4 and E-3 respectively. These two documents clearly show that they were officiating as Asstt. Oxyacetylene Welders and not as Electric Welders, from time to time. They were appointed as Assistant Electric Welders for the first time with effect from 13th October 1956. Prior to 13th October 1956 they never acted as Asstt. Electric Welders.

27. Original service sheets have been produced on record. There is absolutely no documentary evidence to show that the two claimants had acted as Asstt. Electric Welder at any time prior to 1st September 1955 or 13th October 1956. The claimants have not come in the witness box to state that the entries made in their

service sheets in this respect are incorrect. In the absence of any oral or documentary evidence to the contrary, the entries in the service sheets of these claimants will be presumed to be correct.

28. Moreover, Shri Maitra himself has mentioned in his letter dated 7th October 1955 addressed to the Regional Labour Commissioner (C), Bombay that the two claimants were working as Asstt. Oxyacetylene Welders from time to time with effect from 20th May 1955 and 16th June 1955 respectively and they were promoted to the post of Asstt. Electric Welders with effect from 13th October 1956 (vide copy page No. 16, Annexure II, Ex. E-1). In view of this, Shri Maitra cannot now say that the two claimants were acting as Asstt. Electric Welders from time to time prior to 1st September 1955 (or 13th October 1956), I, therefore, hold that the two claimants never acted as Asstt. Electric Welders prior to 1st September 1955.

29. Shri Maitra for the claimants contends that the two claimants might have passed their trade test required for the post of Electric Welders because they had acted as Asstt. Electric Welders from time to time with effect from 16th June 1955 and 20th May 1955 respectively. This contention cannot be accepted because the two claimants had never acted as Asstt. Electric Welders prior to 13th October 1956. It is, therefore, clear that they must not have passed the trade tests required for the post of Electric Welder prior to 1st September 1955.

30. Shri Maitra for the claimants contends that in Bombay Port Trust Workshop at no time Asstt. Oxyacetylene Welders and Asstt. Electric Welders were treated as separate for the purpose of seniority and appointment to the post of Welders.

31. Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust contends that the categories of Asstt. Electric Welders and Asstt. Oxyacetylene Welders are distinct and separate. Each category has got separate channel of promotion. There is much force in this contention.

32. In the first place the terms Electric Welder and Oxyacetylene Welder clearly indicate that the work of welding in each category is different and distinct. Special training for working in each category is necessary. The two categories cannot be said to be identical. Asstt. Oxyacetylene Welder will not be in a position to work as Electric Welder unless he has training and experience of Electric Welding. The same will be the case in respect of Electric Welder working as Oxyacetylene welder.

33. There is separate list of seniority in each category. Service sheets of the employees and the seniority list registered, which are maintained separately category-wise, do support the view that these two categories are separate and that each category has got separate channel of promotion. The entry at page No. 27 of the Rules and Regulations for the Non-Scheduled staff of the Bombay Port Trust for 1952 reads as:—

“Asstt. Welders (Electric) 40—1—50—EB—2—60”.

It can be also inferred from this that these two categories were separate.

34. Shri Maitra for the claimants contends that when the vacancies of Asstt. Electric Welders arose on 1st September 1955, the two claimants should have been absorbed as Asstt. Electric Welders instead of appointing the two casual employees i.e. Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim—two rivals—, taking into consideration the seniority, length of service, previous experience of work as Gas Welders of the two claimants.

35. It is true that the two claimants are permanent employees of the Bombay Port Trust and that they acted as Asstt. Oxyacetylene Welders from time to time prior to 1st September 1955. They are in service since 1943 and 1944 respectively but unfortunately they have not passed the trade tests required for the post of Electric Welders at any time prior to 1st September 1955. They did not apply for the direct post of Asstt. Electric Welders. They could not, therefore, be considered for the appointment as Asstt. Electric Welders when the two rivals were appointed for these posts with effect from 1st September 1955.

36. Shri Maitra contends that as the appointments of the two rivals as Asstt. Electric Welders with effect from 1st September 1955 were provisional and for a specific period till 30th September 1955, they could not have been confirmed with effect from 1st September 1955.

37. It appears from Clause I in Ex. W-9 that the Chairman of the Bombay Port Trust granted sanction to the creation in the workshop temporary non-scheduled of three posts of Asstt. Electric Welders (40-1-30-EB-2-60) for the period ending 30th September 1955 vide C.A. Letter No. E/CE-27(55)/10768 of 30th May, 1955 to operate the additional two transformer welding plants as per T.R. 266 of 23rd March, 1955.

38. Clause 3 in Ex. W-9 is as follows:—

“A note was displayed on Notice Board of the BPT W'shops on 21st July 1955 inviting applications from employees of the Boilership, BPT W'shops for the post of Welders”.

39. It appears from Ex. W-9 [marked portion 8 (10) in red ink] that the temporary posts of Welders and Asstt. Welders (Electrical) created for the period ending 30th September 1955 for operating the additional two transformers Welding Plants vide C.A. letter No. E/CE-27(55)/10768 of 30th May 1955 were brought in the permanent non-scheduled establishment vide C.A. No. E/CE-27(55)/20109 of 20th September 1955.

40. As the temporary posts of Asstt. Electric Welders created for the period ending 30th September 1955 were brought on permanent establishment under the above mentioned order dated 20th September 1955, the employees including the two rivals appointed in the temporary vacancies must have been absorbed in the permanent vacancies with effect from the date of appointment as there was no occasion for them to revert in future. In view of these facts, there is no substance in the contention of Shri Maitra that the two rivals should not have been confirmed with effect from 1st September 1955 i.e. the date of their appointment. Even the two claimants have been confirmed as Asstt. Electric Welders with effect from the date of their appointments i.e. 13th October 1956. They cannot make any grievance about the confirmation of the two rivals with effect from 1st September, 1955.

41. Shri Maitra for the claimants contends that in the category of Asstt. Electric Welders, the two claimants should be given seniority over the two rivals taking into consideration their date of appointment in the category of the Asstt. Welders.

42. As I have taken a view that the category of Assistant Electric Welder is separate, from the one of Assistant Oxyacetylene Welder, seniority of the employees in the category of Assistant Electric Welders will depend upon their dates of confirmation in the category concerned. In the present case, the two rivals were appointed as Assistant Electric Welders with effect from 1st September 1955. They are also confirmed with effect from the same date. Two claimants were appointed as Assistant Electric Welders with effect from 13th October 1956. They are also confirmed with effect from the same date. Hence the two claimants cannot claim seniority over the two rivals. The Bombay Port Trust is perfectly justified in placing the two claimants as juniors to the two rivals in the seniority list of the Assistant Electric Welders.

43. Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust contends that the real dispute involved in this reference is about the promotion of the two claimants on one hand and the two rivals on the other hand, and not about the seniority as sought to be made out by the wording of the terms of reference.

44. If we read the pleadings and correspondence between the parties in this case, it will be clear that the real dispute is about the promotion of the two claimants on one hand and the two rivals on the other hand. The Union in substance wants that the two rivals should be demoted and that the two claimants should be appointed in their place with effect from 1st September 1955. In my opinion the subject of promotion is a management function. In the absence of violation of any existing rules or procedure applicable to the concerned workmen in the establishment at the relevant time by the employers, it would not be open to the Tribunal to intervene and set aside the promotions made by the employers.

45. In the present case, neither the evidence, nor the circumstances on record prove that the employers were guilty of naked favouritism, unfair labour practice and mala fides, in appointing the two rivals as Assistant Electric Welders with effect from 1st September 1955. Hence the promotion of the two rivals cannot be upset.

46. Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust contends that the Union raised a demand about the seniority of the two claimants for the first time under its letter No. GW/X/9-57/62 dated 12th April 1962 i.e. after a lapse of 6 years, 7 months and 11 days. The Union was given necessary reply by the Bombay Port Trust under letter No. L/GEE-G(u)/3808 dated 7th December 1962. Thereafter, the Union kept quiet. It was only in October 1955 i.e. after a lapse of nearly 3 years, it again raked up the issue under its letter No. GW/X/9-57 dated 7th October 1965 addressed to the Regional Labour Commissioner (Central), Bombay. Shri R. K. Shetty submits that the Union is guilty of laches and that its claim be not considered.

47. The facts of this case clearly show that there are laches on the part of the employees. There is abnormal delay on their part in taking action. After 1st September 1955 many employees have been promoted. If the promotion of the two rivals are set aside, with effect from 1st September 1955, it will create lot of administrative difficulties and many employees will be affected, creating dissatisfaction and unrest. There will be no industrial peace in that case. In my opinion, due to abnormal delay on the part of the two claimants in raising the industrial dispute, their claim cannot be considered on this ground.

48. In short it is clear that the action of the Bombay Port Trust in placing Sarvashri Damodar Janoo and Shanker Vithoba, Assistant Electric Welders as junior to Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim is justified. Hence the two claimants are not entitled to any relief.

49. It is contended by Shri Maitra that if the action of the Bombay Port Trust in placing the two claimants as junior to the two rivals is not justified, the injustice done to the claimants should be removed with effect from the date on which the injustice was done.

50. Shri R. K. Shetty, Dy. Legal Adviser for the Bombay Port Trust contends that no award of the Tribunal could go beyond the date of reference, that the terms of reference in this case do not specifically mention whether the claimants should be given relief with retrospective effect from 1st September 1955 and that on account of this the claimants are not entitled to any relief with effect from 1st September 1955.

51. In my opinion, the contention raised by Shri Shetty that if the action of the Bombay Port Trust in placing the two claimants as junior to the two rivals is not justified, the claimants should not be given relief with retrospective effect i.e. with effect from 1st September 1955, because the terms of the present reference do not contemplate retrospective effect, cannot be upheld. The term of the reference, "If not, to what relief are the said workmen entitled" is wide enough to include retrospective effect. If the Bombay Port Trust's action is held unjust, the claimants would be entitled to the relief sought with effect from the date on which the alleged injustice was done to them.

52. In view of the above findings, I pass the following order:—

ORDER

- (i) It is hereby declared that the action of Bombay Port Trust in placing Sarvashri Damodar Janoo and Shanker Vithoba, Assistant Electric Welders as junior to Sarvashri S. Sharif Yakub and Shaikh Abdul Rehiman Ebrahim is justified. The said workmen are not entitled to any relief.
- (ii) Award is made accordingly.
- (iii) No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer,
Central Government Industrial Tribunal
No. 2, Bombay.
[No. 28/34/66-I RIV].

New Delhi, the 23rd April 1969

S.O. 1677.—The following draft of a scheme further to amend the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948

(9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 21st May, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1969.
2. In clause 31 of the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, in the first proviso, for the words "fifty naye Paise", the words "seventy-five paise" shall be substituted.

[No. 56/3/69-Fac.II.]

New Delhi, the 25th April 1969

S.O. 1678.—Whereas an industrial dispute between Shri H. Abdul Rehiman Kutty, Food Grains Storage and Clearance Contractor of the Food Corporation of India, Cochin and his workmen has been referred to the Industrial Tribunal, Madras by the Order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 274 dated the 17th January, 1969 (hereinafter referred to as the said Order);

And Whereas the Central Government considers it desirable to include the question of further (Second) interim relief of Rs. 4 per month with effect from 1st August, 1966, as per the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Resolution No. WB-21(14)/66, dated the 19th October, 1966, also in the said reference;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the said Order, namely:—

In the Schedule to the said Order, after the figures "1965" the following shall be added, namely:—

"and Resolution No. WB-21(14)/66 dated the 19th October, 1966?"

[No. 29/2/69-LWI-III.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 14th April 1969

S.O. 1679.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri A. K. Rudra as an Inspector of Mines subordinate to the Chief Inspector of Mines.

[No. 8/8/69-MI.]

New Delhi, the 21st April 1969

S.O. 1680.—In exercise of the powers conferred by sub-regulation (1) of regulation 11 of the Coal Mines Regulations, 1957, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2634, dated the 27th July, 1967, namely:—

In the said notification in item 4, for the entry "Shri S. White, Chief Mining Engineer, M/s Lodna Colliery Company (1920) Limited, P.O. Jharia (Dhanbad)" the following entry shall be substituted, namely:—

"Shri L. I. D. Hughes, General Manager, M/s. Andrew Yule and Company Limited, P.O. Dishergarh".

[No. 3/4/69-MI.]

New Delhi, the 25th April 1969

S.O. 1681.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Sarvashri S. Y. Wakhare, P. Dharma Rao and B. S. Rank as Inspectors of Mines subordinate to the Chief Inspector of Mines.

[No. 8/104/67-MI.]

J. D. TEWARI, Under Secy.

(Department of Labour and Employment)*New Delhi, the 14th April 1969*

S.O. 1682—Whereas the Central Government, being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), [being the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3709, dated the 14th October, 1968], the service in the uranium industry, to be a public utility service for the purpose of the said Act for a period of six months from the 20th October, 1968;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 20th April, 1969.

[No. F. 1/27/69-LRI.]

S.O. 1683.—In exercise of the powers conferred by section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Labour Court with headquarters at Allahabad for the adjudication of industrial disputes relating to any matter specified in the Second Schedule to the said Act and for performing such other functions as may be assigned to it under the said Act, and appoints Shri K. P. Gupta as the Presiding Officer of that Court.

[No. F. 1/23/69-LRI.]

New Delhi, the 19th March 1969

S.O. 1684.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Messrs. Martin's Light Railway, Calcutta and their workmen, which was received by the Central Government on the 15th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE No. 107 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to Messrs Martin's Light Railways, Calcutta.

Vs.

Their workmen.

APPEARANCES:*For Employer*—Shri Ajit Roy Mukherjee, Bar-at-Law.*For workmen*—Shri P. Pathak, President, Bihar Martin's Light Rlys. Mazdoor Congress.

INDUSTRY: Railways.

STATE: Bihar.

Dhanbad, dated the 1st of April, 1969.

AWARD

1. The Central Government in the Ministry of Labour, Employment and Rehabilitation by their order No. 2/18/68-LRIII dated the 14th of August, 1968 have referred to this tribunal an industrial dispute existing between the employers in relation to Messrs Martin's Light Railways, Calcutta and their workmen in respect of the matters specified in the following schedule under section 10(1) (d) of the Industrial Disputes Act, 1947.

SCHEDULE

"Whether the management of Arrah Sasaram Light Railway Company Limited, was justified in terminating the services of Shri S. S. Tiwari, Clerk with effect from 26th January, 1967? If not, to what relief is the workman entitled?"

2. The Secretary, Bihar Martin's Light Rlys. Mazdoor Congress, Arrah filed written statement on 4th November, 1968 on behalf of the workman. Their case is that Sri S. S. Tiwari, the concerned workman was a clerk in the office of the Superintendent of Arrah Sasaram Light Railway Co. Ltd. By a letter dated 23rd July 1966 Sri Tiwari was given a temporary appointment as an office clerk in the place of Sri R. B. Tiwari who was posted at Hassan Bazar. The case of the workman is that the post in which Sri S. S. Tiwari was appointed was a permanent post and the vacancy caused was also a permanent inasmuch as Sri R. B. Tiwari was permanently transferred to Hassan Bazar. By a letter dated 24th January 1967 the Company terminated the service of Sri Tiwari. According to the workman the said letter of termination did not indicate any lapses on the part of Sri Tiwari. Yet it was evident from Company's own showing that the termination was due to certain lapses and therefore, according to the union the company was under obligation to follow proper disciplinary proceeding. According to the union the action of the company in terminating the service of Sri S. S. Tiwari was illegal, mala fide and against all principles of natural justice and that Sri S. S. Tiwari is entitled to be re-instated with full compensation for the period of forced unemployment.

3. The employers filed written statement on 2nd December 1968. According to the Railway Sri S. S. Tiwari was appointed from the 26th of July, 1966 as a temporary clerk by the Arrah Sasaram Light Railway Company Limited on specific terms and conditions. According to the terms of appointment his appointment was for a period of six months or until further orders and his services were terminable on 24 hours notice from either side and Sri Tiwari accepted the service on the aforesaid terms and conditions. It was clearly stated in his letter of appointment that he was being appointed vice Shri R. B. Tewari as a temporary clerk only for 6 months or until further order. His services stood terminated on the expiry of the period of six months for which he was appointed and the Railway were not under any obligation to keep him employed thereafter. It was further stated that Sri Tiwari was found unable to perform his job without the assistance of a senior employer even after putting in 5 months service and this was duly communicated to him by the Railway. Sri Tiwari's services came to an end automatically on the 25th of January, 1967 when the six months period for which he was appointed came to an end. The termination of his service not being on the ground of lapses on his part no question of taking any disciplinary proceedings against him can arise. According to the management his services came to an end automatically after the expiry of six months period for which he was appointed. The alleged notice of termination dated 24th of January, 1967 was a letter intimating to him that his services would stand terminated on and from the 25th January, 1967. According to the management even if it is held that by the said letter dated the 24th of January, 1967 his services were terminated by the Railway then the said termination was effected as a discharge simpliciter upon expiry of the period for which he was appointed, and in accordance with the condition of his service and thus the Railway's action was perfectly legal, bona fide and valid.

4. On behalf of the Union 9 items of documents were filed and were marked Ext. W-1 to W-9 and the union also examined one witness viz. Sri Mukteshwar Tewari, General Secretary of Bihar Martin's Light Railway Mazdoor Congress. On behalf of the management only one item of documents was filed which is Marun's Light Railway Service Regulation and is marked Ext. M-1.

5. The only point for consideration in this case is whether the termination of service of Sri Tiwari from 26th of January, 1967 by the management of Arrah Sasaram Light Rlys. was justified?

6. Ext. W-1 is the letter of appointment. It shows that Sri S. S. Tiwari was appointed as a office clerk in the temporary post for a period of six months or until further orders *vice* Sri R. B. Tiwari, clerk posted at Hassan Bazar. It may be stated here that the word "months" was not written after the figure '6'. But both the parties understood that the appointment was for a period of six months. In clause 2 of the appointment letter it was stated that during the period of temporary appointment his services are likely to be terminated at any time on 24 hours notice on either side. By letter dated 14th January 1967 (ext. M-4) Sri S. S. Tiwari was given 24 hours notice terminating his services on and from 25th of January, 1967.

7. He was under the employment of the Railway for six months and during this period the management made allegations against him on two occasions. On 23rd September 1966 allegation was made against him that he did not submit the diary from 31st August 1966 to 2nd September 1966 (*vide* Ext. W-2) and he replied to the allegation by letter dated 27th September 1966 (Ext. W-5). The management by letter dated 19th December 1966 (Ext. W-3) informed Sri S. S. Tiwari that he has not made any improvement in his work. Sri Tiwari replied to the allegation contained in W-3 by letter dated 26th December 1966 (*vide* Ext. W-6). It appears that according to the management the work of Sri S. S. Tiwari was not satisfactory.

8. Ext. W-4 is the letter terminating the services of Sri S. S. Tiwari. In this letter it was stated that as he was a temporary clerk and his service is not required by the administration and therefore, his services stood terminated from the 26th of January, 1967.

9. The stand taken by the management is that Sri S. S. Tiwari was a temporary workman. According to the management Sri Tiwari did not acquire the character of a permanent workman merely because he was placed on some permanent job. Sri S. S. Tiwari was not made permanent by any written order and that he continued to be temporary workman and as such the employer had the right to discharge him at any time simply by giving notice of discharge. According to the management it was not a removal or dismissal from service within the meaning of the service regulation and that it was discharge simpliciter.

10. According to the union the workman was dismissed on the ground of his having committed some misconduct in the discharge of his duties. According to the union even when under the terms of the appointment as persons who is appointed as a workman on a temporary basis and his service is liable to be terminated at any time during the period of his appointment without assigning any reason, if the workman is to be dismissed on the ground of his having committed some grave misconduct in the discharge of his duties, a proper and fair enquiry must precede the order of dismissal, and it must be shown at the conclusion of the enquiry that the workman had been found to be guilty of misconduct deserving the punishment of dismissal.

11. Ext. W-4 is the letter dated 24th January 1967 issued by the management to the concerned workman Sri S. S. Tiwari. Ext. M-4 is a letter terminating the service of the concerned workman and it runs as follows:—

"As your service as temporary clerk is not required by the Administration, you are hereby given 24 hours (Twenty four hours) notice on and from 25th June 1967 as per para 2 of the appointment letter quoted above and your service stands terminated on and from 26th January, 1967. You will be settled up in due course.

Please hand over charges immediately to the Head Clerk."

12. A reasonable person reading the aforesaid letter terminating services of the concerned workman will come to the conclusion that it is a simple order of discharge without casting any aspersion against the temporary servant or attaching any stigma to his character. The aforesaid order terminating his service does not purport to cast an aspersion to the temporary servant. It is a simple order of discharge. The aforesaid order of discharge does not cast aspersion or attach stigma to the temporary workman while purporting to discharge him.

13. The services of the temporary workman Sri S. S. Tiwari were terminated according to the terms of his appointment letter. The letter terminating his

appointment does not cast any aspersion nor does it attach any stigma to his character. It is an order of discharge simpliciter.

14. Mr. Pathak appearing on behalf of the union has cited before me the ruling reported in 1960(1) L.L.J., page 587, Assam Oil Company, Ltd. and its workmen. But the facts of that case are quite different. In that case the order of discharge was not an order by the employer in *bonafide* exercise of the power. In that case it was found that the Superior Officer was thoroughly dissatisfied with the work of the concerned worker and that the facts of the concerned worker joining the trade union partially influenced the employer to terminate the services of the concerned employee. In that case it was held that it would not be open to an employer to dismiss his employee solely or principally for the reason that he or she had joined a trade union. In that case it was held that the discharge was ordered by the employer not in *bonafide* exercise of his power.

15. In this case there is no sufficient evidence to hold that the action taken by the management was not *bonafide* or was motivated by victimisation or unfair labour practice. In the course of argument it was also submitted before me on behalf of the workman that at the time when the notice of termination was served on the concerned workman Sri S. S. Tiwari on 24th January 1967 a strike notice was pending before the management and for this purpose the union has filed ext. W-8 which is notice of strike, served on the General Manager or Martins Light Railways by the Bihar Martins Light Railways Mazdoor Congress dated the 3rd of January, 1967. It was submitted before me that since that strike notice was pending before the management the order of discharge contravened the provision of section 33(2)(b) of the Industrial Disputes Act, 1947. There is no sufficient evidence that on the date of discharge i.e. on 24th January 1967 any conciliation proceeding was pending. Moreover the discharge simpliciter of a workman which is not for any misconduct on the part of the workman will not come within clause (b) of Sub-section (1) or (2) of section 33 of the Industrial Disputes Act, 1947 which requires that the discharge should be for any misconduct. Therefore section 33(2)(b) of the Industrial Disputes Act has got no application to the facts of this case.

16. I therefore, come to the conclusion that the order dated 24th January 1967 terminating the services of the concerned workman Sri S. S. Tiwari was a "discharge simpliciter" under the terms of contract and service regulation. It was not a discharge on account of misconduct and therefore there is no obligation on the part of the employer to make application under section 33(2)(b) of the Industrial Disputes Act, 1947.

17. I therefore, hold that the management of Arrah Sasaram Light Railway Company Limited was justified in terminating the services of Sri S. S. Tiwari, Clerk with effect from 26th January, 1967 and he is not entitled to any relief.

18. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer.

[No. 2/18/68-LRIII.]

New Delhi, the 21st April 1969

S.O. 1685.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the management of the Air India and its workmen, which was received by the Central Government on the 17th April, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
BOMBAY

REFERENCE No. CGIT-26 of 1967

PARTIES:

The Management of Air India.

AND

Its workmen.

PRESENT

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers.—Shri P. P. Khambatta, Advocate, instructed by Shri S. K. Wadia, Solicitor, Shri T. V. Lalvani, Industrial Relations Adviser, Air India and Shri P. D. Balivala, Deputy Engineering Manager, Air India.

For the workmen.—Shri P. D. Kamerkar, Advocate and Shri V. K. Tembe, Advocate with Shri B. N. Athavale for the Aircraft Engineers' Association.

Shri N. C. Mukherjee, Shri P. G. Prabhu and Shri K. Subramaniam for the Air Corporations Employees' Union.

Shri F. X. Fernandez, Reg. Secretary, I.A.T.A.

Shri K. K. Singhvi and Shri R. R. Gadgil for the Air India Inspectors' Association.

Shri K. S. Mani, Chairman and Shri P. Shunmugam, General Secretary for the Examiners' Association.

STATE: Maharashtra.

INDUSTRY: Airlines.

Bombay, dated 14th April, 1969.

AWARD

The Government of India in the Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment by their order No. 4/163/67-LR111, dated 5th November, 1967, have referred to this Tribunal for adjudication an industrial dispute existing between the management of the Air India Corporation and their workmen in respect of the subject matter specified in the following schedule:—

SCHEDULE.

"Whether the demand of All India Aircraft Engineers Association that no one except the Aircraft Maintenance Engineers employed by Air India should be required or allowed to inspect or certify the maintenance or overhaul of an aircraft, or its components or do both in terms of the existing agreement between All India Aircraft Engineers Association and Air India is justified? If so, to what relief are they entitled."

2. The circumstances under which this dispute has been referred may be stated in brief as follows:—

In India the control of the manufacture, use, operation and sale and export of aircrafts is governed by the Indian Air Crafts Act, 1934, while rules framed thereunder known as the Indian Aircraft Rules 1937, make provision regarding the certification of airworthiness, periodical overhaul, modification maintenance and repair of aircrafts; And under these rules the certification and inspection can be done by a person authorised by a firm or company approved by the Central Government in this behalf and such certification by approved organizations has been in vogue in several countries. The Air India Corporation is one such approved institution and for the purpose of this approved Inspection Scheme there is an organization known as the Approved Inspection Organization with a staff of workers of the category of "approved inspectors".

3. In the year 1967, the Corporation had issued notices in connection with the selection and recruitment of approved inspectors in some workshops from amongst the staff of the Corporation. At that time the aircraft engineers raised a dispute contending that under the terms of settlement agreed to between the Corporation and the Association the non aircraft maintenance engineers were not entitled to be employed for the purpose of certification and inspection of the aircrafts and the proposed employment of non-licensed inspectors in the workshops of the Corporation was in breach of the agreement.

4. The Corporation had opposed the dispute raised by the Association contending that the terms of the settlement had nothing whatsoever to do with the inspection and certification of aircraft and equipment at Corporation's workshops at Santa Cruz which was carried out by a completely different category of approved inspection personnel in the engineering workshops of the Corporation at Santa Cruz Airport. They had alleged that this was also clear from the examination of

the Association's original demand and its submissions in its statement of claim filed by them before the National Tribunal and the demand regarding certification pertained only to certification of the Corporation's aircraft at outstations. The said settlement was not at all in connection with the certification of aircraft and equipment of the Corporation's workshop at Santa Cruz and there was no question of any breach of the agreement.

5. The Association protested against the proposal of the Corporation about the appointment for posts of inspectors, and as the management did not take note of the protests, the Association served a strike notice. There were conciliation proceedings which were not fruitful and upon failure thereof the dispute was referred to this Tribunal for adjudication.

6. Originally the Aircraft Engineers Association was the only party to the reference on behalf of the workmen. However subsequently two other unions made applications for impleading them as parties. The Air India Examiners Association contended that the inspectors working under the approved inspection scheme of the Air India Corporation were members of their Association and they should be allowed to represent their case before the Tribunal.

7. Similarly the India Aircraft Technicians Association contended that out of the 850 aircraft technicians employed by Air India Corporation approximately 780 were members of their Association, and as in the work of the category of aircraft technicians is included the work of inspection and certification of the Engine components and other components of the aircraft, and as the aircraft technicians have been doing the work of inspection and certification for many years in the past, the Association should be allowed to represent the interests of the technicians. Both these Associations were joined as parties and they have also filed their written statements contending that the aircraft maintenance engineers have no monopoly for appointment to the post of inspectors for the purpose of certification and inspection.

8. The Corporation had also by its written statement opposed the demand of the aircraft maintenance engineers, contending that the employment of approved inspectors in the workshops of the Corporation at Santa Cruz is a longstanding practice followed since 1948 and was in accordance with the Director General of Civil Aviation's requirements for approved inspection system and was also consistent with the pattern of inspection procedures followed by all international operators. The agreement with the Association had no connection whatsoever with the certification done by approved inspectors in the Corporation's workshop at Santa Cruz. It related only to the certification of the Corporation's aircraft at outside stations. They had contended that at the time of the settlement it was settled and there was also an acceptance of the existing procedure and practice regarding certification of aircraft and equipment at outstations without introducing any changes therein and that the aircraft maintenance engineers would be employed to carry out certification at outstations.

9. After the parties filed the statements the matter was pending days together for talks and negotiations but no settlement was reached. However, when the dispute was fixed for hearing the learned Advocate Shri V. K. Tembe on behalf of the Aircraft Engineers Association prayed for withdrawal and submitted an application of the Association stating that they have decided to withdraw the demand referred to adjudication and the dispute should be treated as withdrawn and the reference should be closed. The Air India Corporation and the other unions had no objection for the termination of the proceedings but as the Association wanted the final order in the form of an award stating that the matter was withdrawn and the reference was disposed of the parties were not in agreement and hence they were heard on that point and the question is whether a reference proceedings can be terminated by a final order permitting withdrawal of the demand.

10. The learned Counsel Shri V. K. Tembe on behalf of the Association has argued that the Aircraft Engineers Association had made a demand on behalf of the A.M.E.s. They have got every right to withdraw their demand and the Tribunal can pass an award in terms of the withdrawal and dispose of the case. Shri P. P. Khambatta, learned Counsel on behalf of the Corporation has submitted that Government has referred a specific issue to this Tribunal for adjudication and as the Association does not press its demand it should be so stated and decided that the workmen's demands were not justified and the workmen were not entitled to any claim.

11. Shri H. K. Sowani on behalf of the Indian Aircraft Technicians Association has also supported the Corporation and the question is about the form of the final order and award.

12. The present dispute has been referred to this Tribunal under section 10(1) (d) of the Industrial Disputes Act. Section 15 of the Act provides:

“Where an industrial dispute has been referred to a Labour Court, Tribunal or National Tribunal it shall hold its proceedings expeditiously and shall as soon as it is practicable on the conclusion thereof submit its award to the appropriate Government”.

and in view of the provisions of this section for a proper disposal of the reference this Tribunal has to hold proceedings and submit its award to the Government. The word “award” has been defined under section 2(b) of the Act as “an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal and includes an arbitration award made under section 10A”. From this definition it is clear that for making an award this Tribunal has to adjudge and decide and there must be a decision on the rights and wrongs between the parties. It is also clear from section 7A of the Industrial Disputes Act that an Industrial Tribunal is appointed for the purpose of adjudication of industrial disputes which necessarily implies determination of rights and wrongs and for passing a valid award this Tribunal shall have to decide the dispute between the parties and the further question is whether an order permitting withdrawal of the dispute will be a valid award.

13. It is true that the aircraft engineers association does not want to press this demand and wants to withdraw the same. However, there is no provision in the Industrial Disputes Act for passing an award relating to withdrawal. It is also significant to remember that a dispute referred under section 10 of the Industrial Disputes Act is not a suit. It is not the Association that has filed it and made claims against the Corporation. The dispute is referred to me by Government and I am bound to pass an award. It is clear that by withdrawing the demand there will be no decision about the rights and wrongs between the parties and there can be no adjudication of the dispute and the mere order that as the demand is not pressed and is withdrawn the reference is disposed of will not amount to a valid award.

14. This will be further supported from the observations of their Lordships in the ruling reported in 1963, 11 LLJ 488, (Andhra Handloom Weavers' Co-operative Society and State of Andhra Pradesh and others) in which their Lordships have considered the effect of an order of dismissal for default and its publication as an award. In this ruling it is observed:—

“The mere publication of an order of the labour court as an award or even the assigning of the label of award by the labour court itself will not make the order an award, if it is not really an award as defined in the Act. An order of Labour Court which does not involve any adjudication whatsoever of the dispute referred to it and which in no manner sets at rest the differences between the opposing parties could not be called an “award” within the definition of the Act. A mere dismissal for default is surely not an adjudication and does not result in any determination of an industrial dispute and is therefore not an award.”

Similarly it has been observed in the ruling reported in 1967 1 LLJ 518 (Workmen of Travancore Rayons Ltd., Rayonpuram and Travancore Rayons Ltd., Rayonpuram and another)

“Hold, to satisfy the definition of an award under section 2(b) of the Act there should be an interim or a final determination of the dispute and there is none where the Tribunal merely dismissed the reference for non-prosecution.”

Considering these observations also, it shall have to be held that mere withdrawal of the demand will not be a valid award.

15. It is significant to remember that under section 19 of the Industrial Disputes Act an award remains in operation for a period of one year from the date on which it becomes enforceable and consequently no dispute can be raised by the parties on the same issue during the period. However, if the contention raised

by the Association is accepted there will be no award and it will be open to the parties again to raise the dispute and this Tribunal shall have to pass an award.

15. The union does not want to press the demand and it shall have to be held that the demand of the Aircraft Engineers Association that no one except the Aircraft Maintenance Engineer employed by Air India should be required or allowed to inspect or certify the maintenance or overhaul of an aircraft or its components or do both in terms of the existing agreement between All India Aircraft Engineers Association and Air India is not justified and they are not entitled to any relief. Hence my award accordingly.

No order as to costs.

(Sd.) A. T. ZAMBRE,
Presiding Officer,
Central Government Industrial Tribunal, Bombay.
[No. 4/163/67-LRIII.]

New Delhi, the 25th April 1969

S.O. 1686.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad in the industrial dispute between the employers in relation to the Central Bank of India Limited and their workmen, which was received by the Central Government on the 19th April, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 8 OF 1968

In the matter of an industrial dispute under Section 10(1) (d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Central Bank of India.

AND

Their workmen.

APPEARANCES:

On behalf of the employers.—Shri J. J. Daver, Chief Agent, Central Bank of India Ltd., Muzaffarpur.

On behalf of the workmen.—Shri Sheu Shankar Prasad, General Secretary, Bihar Provincial Central Bank of India Employees Association.

STATE: Bihar.

INDUSTRY: Bank.

Dhanbad, the 15th April, 1969.

(Camp: Calcutta)

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen, by its order No. 23/12/68/LRIII dated 25th May, 1968, referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

“Whether the management of the Central Bank of India Limited was justified in discharging from service Sri S. N. Sarkar, Outward Bill Clerk of the Sitamarhi Branch of the Bank with effect from 30th November, 1959? If not, to what relief is the workman entitled?”

2. Workmen filed their statement of demands. In spite of notice the employers did not file their statement of demands.

3. Shri Sheu Shankar Prasad, General Secretary, Bihar Provincial Central Bank of India Employees Association representing the workmen and Shri J. J. Daver, Chief Agent, Central Bank of India Ltd., Muzaffarpur representing the employers have verified the contents of the compromise memo as correct and further stated that in terms of para (1)(b) of the compromise memo the Tribunal may order that the affected workman Sri S. N. Sarkar be given appointment with effect from the 17th April, 1969 forenoon. The compromise memo is, therefore, accepted. The Award is made in terms of the compromise directing the affected workman Sri S. N. Sarkar to be given appointment with effect from the 17th April, 1969. The compromise memo is made part of the Award. The Award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal
(No. 2), Dhanbad.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2), DHANBAD. (CAMP: CALCUTTA).

REFERENCE NO. 8 OF 1968

BETWEEN

The Employers in relation to the Central Bank of India, Ltd., Muzaffarpur.

AND

Their Workman Sri S. N. Sarkar, represented by the Bihar Provincial Central Bank of India Employees' Association, Muzaffarpur (BPCBIEA).

In the matter of an Industrial Dispute referred under Section 10 of the Industrial Disputes Act, 1947, for adjudication (Ministry's Order No. 23/12/68-LR/III dated the 25th May, 1968).

AND

In the matter of the notice Ref. No. 8/68/306 dated the 1st March, 1969.

The humble joint petition of compromise on behalf of the parties, referred to above.

Most Respectfully Sheweth:—

(1) That the parties to the dispute under reference has settled all their disputes and compromised the case on the following terms and conditions:—

- (a) That the Management of The Central Bank of India, Ltd., Muzaffarpur will give fresh appointment to Sri S. N. Sarkar, whose services were terminated by the Bank on 30th November, 1959 after holding an enquiry following the judgement of Hon'ble High Court of Judicature at Patna. No cognizance will be taken for the past period of service of Sri S. N. Sarkar in the Bank while fixing his salary at the time of new appointment and his salary will be fixed as that of a new entrant as a Clerk which will carry the usual leave salary of Rs. 142 p.m. as per Desai Award and the Bipartite Settlement.
- (b) That the said appointment of Sri S. N. Sarkar shall be with effect from the date of publication of an Award in terms of this compromise of the Tribunal or the order passed in terms of this compromise by the Tribunal.
- (c) That no claim for any back wages or dues of the aforesaid Shri S. N. Sarkar against the Bank is made or shall be made in future.
- (d) That the aforesaid Sri S. N. Sarkar will be entitled to fresh appointment at Muzaffarpur in accordance with the terms of this compromise and all his claims, if any, upto the date of the award or order in terms of the compromise, shall be treated as withdrawn.
- (e) That the Bihar Provincial Central Bank of India Employees' Association has expressly agreed not to claim any back wages or dues or any other kind, whatsoever, for the above named employee in future.

(2) That the parties hereto have respectively signed this petition of compromise in token of the compromise arrived at between them.

It is, therefore, prayed that your Lordship may be graciously pleased to favour with an Award in terms of this compromise between the parties and be further pleased to incorporate the terms of compromise, detailed in paragraph 1 above, in the said Award. And for this the petitioners shall ever pray.

For the Central Bank of India Ltd.

Agent, Muzaffarpur,

Signature of Employer.

Signature of Employer.

(Sd.) Illegible.

General Secretary.

BPCBI EA.

Signature of Union.

(Sd.) Illegible.

Asstt. Acctt

C.B.I. Ltd.,

Muzaffarpur.

Witness for Employer.

(Sd.) Illegible.

Asstt. General Secretary B.P.C SEA.

Witness for Union.

(Sd.) Illegible.

Signature of Workman.

[No. 23/12/68-LRIII.]

ORDERS

New Delhi, the 11th April 1969

S.O. 1687.—Whereas the employers in relation to the Central Bank of India Limited, Muzaffarpur and their workmen represented by the Bihar Provincial Central Bank of India Employees Association, Muzaffarpur have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the demand set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Bihar Provincial Central Bank of India Employees Association represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refer the said dispute to the Industrial Tribunal, Dhanbad, No. 2 constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the Management of Central Bank of India Limited in refusing training in the work of the Inspection of Godowns to Shri M. K. Chatterjee, Clerk of Patna Branch inspite of their Memos Nos. EST/III/25/149 dated the 9th February, 1967 and EST/III/25/219 dated the 10th March, 1967 was justified because of their Head Office Circular No. BID. 24/307-C, dated the 31st May, 1967? If not, to what relief is Shri Chatterjee entitled?

[No. 24/1/68-LRIII.]

New Delhi, the 14th April 1969

S.O. 1688.—Whereas the industrial disputes specified in the Schedule hereto annexed were pending before Shri Ishwar Das Pawar, Presiding Officer, Industrial Tribunal, Chandigarh;

And whereas Shri Ishwar Das Pawar has retired and his services are no longer available;

Now, therefore, in exercise of the powers conferred by section 7A, and sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri P. P. R. Sawhney as the Presiding Officer with headquarters at Chandigarh, withdraws the

proceedings in relation to the said disputes from Shri Ishwar Das Pawar and transfers the same to the said Industrial Tribunal, Chandigarh for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. No.	Reference No.	Name of Parties	Notification No. and date
1	5/C-1966	Punjab Co-operative Bank Ltd., Amritsar and their workmen.	No. 51(48)/65-LRIV dated 16-9-1966.
2	9/C-68	State Bank of Patiala and their workmen.	No. 51/8/47-LRIII dated 13-2-1968.

[No. 31/1/68/LRIII.]

S.O. 1689.—Whereas the employers in relation to the management of Messrs Gypsum Limited, Bikaner and their workmen represented by Rashtriya Gypsum Karamchari Sangh, Jamsar have jointly applied to the Central Government under section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for reference to a Tribunal of an industrial dispute that exists between them in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas, the Central Government is satisfied that the said Rashtriya Gypsum Karamchari Sangh, Jamsar, represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by section 7A, and sub-section (2) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma as the Presiding Officer, with headquarters at Jalpur, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of Messrs Bikaner Gypsums Limited of withdrawal of allowance paid to Shri K. P. Dass, Shovel Operator, for maintenance and repairs of Shovel, Dragline, with effect from the 31st July, 1968 by giving a notice under section 9A of the Industrial Disputes Act, 1947 is justified and if not, to what relief Shri K. P. Dass is entitled to?

[No. F. 24/60/68-LRI.]

S.O. 1690.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Choukhandi Manganese Mines, Balaghat District of Messrs C. P. Syndicate (Private) Limited, Nagpur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur constituted under section 7A of the said Act.

SCHEDULE

Whether the action of Messrs C. P. Syndicate (Private) Limited, Nagpur, management of Choukhandi manganese mines, Balaghat District in reinstating the workman Shri Kesharchand as Miscellaneous temporary worker with effect from the 1st November, 1967 and then terminating his services with effect from the 23rd January, 1968 was justified?

If not, to what relief is the workman entitled?

[No. 35/13/68-LRI.]

S.O. 1691.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the quarries of Dalmia Dadri Cement Limited, Charkhi Dadri and their workmen in respect of the matters specified in the Schedule hereto annexed,

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri P. N. Thukral as Presiding Officer, with headquarters at Faridabad, and refers the said dispute for adjudication to the Industrial Tribunal.

SCHEDULE

Whether the action of the management of the Dalmia Dadri Cement Limited in re-introducing contract system in the Quarries with effect from the 15th November, 1968, after entering into a settlement with the Khan Mazdoor Sangh on the 8th November, 1968, was justified? If not, to what relief are the workmen entitled?

[No. 36/62/68-LRI.]

S.O. 1692.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited, Katihar Branch and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, No. 3, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

1. Whether the management of the Punjab National Bank Limited, Branch Office Katihar, District Purnea, was justified in refusing other allowances as per para 14.3(a) of the settlement arrived at between the Bank management and their workmen on the 19th October, 1968 before the Chief Labour Commissioner (Central) New Delhi, to the Godown Keepers stationed at Salmari and Ferbesganj Godowns under Katihar Branch of the Bank? If not, to what relief are these workmen entitled?
2. Whether the management of the Punjab National Bank Limited was justified in refusing one-third of the scale wages to Birta Zamadar, Part-time sweeper attached to Katihar Branch of the Bank? If not, to what relief is the workman entitled?

[No. 23/66/68-LRIII.]

New Delhi, the 21st April 1969

S.O. 1693.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Lanjiberna Limestone quarry of Messrs Orissa Cement Limited, Rajgangpur, District Sundergarh, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 2), Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Lanjiberna Limestone quarry of Messrs Orissa Cement Limited in not communicating the order

sanctioning leave to Shrimati Koily Kujur, Miner, and subsequently terminating her services with effect from the 16th April, 1968 were justified? If not, to what relief is the workman entitled?

[No. 36(32)/68-LRI]

New Delhi, the 22nd April 1969

S.O. 1694.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Junewani Manganese Mine of Messrs Khandelwal Ferro Alloys Limited, Kanhan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1937 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 2) Bombay constituted under section 7A of the said Act.

SCHEDULE

1. Whether the demand of the workmen employed in the Junewani Manganese Mine of Messrs Khandelwal Ferro Alloys Limited, Kanhan, for the revision of the wage structure is justified? If so, what should be the wage structure?
- II. Whether the demand of the workmen aforesaid for grant of sick leave is justified? If so, what should be the quantum of the leave?

[No. 35(19)/68-LR I]

New Delhi, the 23rd April 1969

S.O. 1695.—Whereas the industrial disputes specified in the Schedule hereto annexed are pending before Shri P.P.R. Sawhney, Presiding Officer, Industrial Tribunal, Chandigarh;

And whereas the services of Shri P.P.R. Sawhney have ceased to be available,

Now, therefore, in exercise of the powers conferred by section 7A, and sub-section (r) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri P. N. Thukral, as the Presiding Officer, with headquarters at Faridabad, withdraws the proceedings in relation to the said disputes from Shri P. P. R. Sawhney and transfers the same to the said Industrial Tribunal, Faridabad for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. No.	Parties to the dispute	Reference No. and date of Industrial dispute.	S.O. No. of Gazette.
			Year of publication
1	M/s. Dalmia Dadri Cement Ltd., Charkhi Dadri and their workmen represented by Dalmia Dadri Cement Factory Men's Union, Charkhi Dadri.	22/7/64-LRI, dated the 6th July, 1964.	2444/64
2	Do.	36(8)/68-LRI, dated the 29th May, 1968.	1973/68
3	Do.	36(13)/67-LRI, dated the 21st June, 1968.	2285/68
4	Do.	36(9)/68-LRI, dated the 1st July, 1968.	2508/68

1	2	3	4
5.	Do.	36(12)/68-LRI, dated the 2nd August, 1968.	2862/68.
6.	Do.	36 (27)/68-LRI, dated the 1 st October, 1968.	3712/68.
7.	Do.	36 (25)/68-LRI, dated the 14 th October, 1968.	3711/68.

[No. 36/9/68-LRI.]

S.O. 1696.—Whereas, the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Indian Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of the Indian Bank Limited, New Delhi in giving officiating chances as Special Assistant/Officer to Shri V. G. Kini, Clerk superseding the claims of Shri N. Chidambaram, Clerk-cum-Godown keeper was justified? If not, to what relief is the workman entitled?

[No. 23/23/69-LRIII.]

S.O. 1697.—Whereas, the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Lakshmi Commercial Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the workmen of the Lakshmi Commercial Bank Delhi for discontinuance of the practice of taking personal surety bonds from the cashiers employed in the bank is justified? If so, to what relief are the workmen entitled?

[No. 25/126/68-LRIII.]

New Delhi, the 24th April 1969

S.O. 1698.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the quarries of the employers mentioned in Schedule I hereto annexed and their workmen in respect of the matters specified in the Schedule II hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A. of the said Act.

SCHEDULE I

- (1) Diwan Lime Company, Satna.
- (2) Dyers Stone Lime Company (Private) Ltd., Satna.
- (3) S. N. Sunderson and Company, Satna.
- (4) S. K. Kahanson and Sons, Satna.
- (5) Harry Mining Corporation, Satna.
- (6) Jaiswal Stone Lime Company, Satna.
- (7) Chourasia Lime Company, Satna.
- (8) National Stone Lime Company, Satna.
- (9) Baghelkhand Products Limited, Satna.

SCHEDULE II

- (1) Whether, having regard to the recommendations of the Central Wage Board for Limestone and Dolomite Mining Industries, the workmen of the quarries of the employers mentioned in Schedule I are entitled to any increase in their wages? If so, to what relief are they entitled?
- (2) Whether the workmen of the quarries of the employers mentioned in Schedule I are entitled to bonus, in addition to any bonus, they have already received, in respect of the accounting year 1966. If so, what should be the quantum of such bonus?

[No. 36/1/68-LRI.]

S.O. 1699.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Minerals Mining Company Private Limited, Rayalacheruvu in Kona Calcite Mine, Konuppalapadu Village, Tadpatri Taluk and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A. and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohaminad Najmuddin as Presiding Officer with headquarters at Hyderabad, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the demand of the workmen employed in Kona Calcite Mine of Messrs Minerals Mining Company Private Limited, Rayalacheruvu for revision of wages in accordance with the wages recommended by the Central Wage Board for Limestone and Dolomite Mining Industries is justified? If so, to what relief are the workmen entitled?

[No. 36/28/68-LRI.]

S.O. 1700.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A. and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri P. N. Thukral shall be the Presiding Officer, with headquarters at Faridabad, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of the Punjab National Bank Limited, Chandigarh in denying Shri Raj Pal Singh the chance of permanent absorption as a peon in the service of the Bank is justified? If not, to what relief is he entitled?

[No. 23/20/69/LRIII.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 21st April 1969

S.O. 1701.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 5, and section 9, of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 4163, dated the 12th November, 1968, namely:—

In the said notification, under the heading II Representatives of Employers", for entry (1); the following entry shall be substituted, namely:—

"(1) Shri Gurmal Singh, Assistant Commissioner (Land Reclamation), Department of Agriculture, New Delhi."

[No. 6(23)/68-LWI-(i).]

B. K. SEKSENA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 21st April 1969

S.O. 1702.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the South Tisra Colliery, Post Office Khas Jeenagora, District Dhanbad (Dhanbad) and their workmen, which was received by the Central Government on the 10th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 100/68

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to South Tisra Colliery

AND

Their workman.

APPEARANCES:

For Employer.—Shri P. K. Bose, Advocate.

For workman.—Shri J. D. Lall, Advocate.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, dated the 31st of March, 1969

AWARD

1. The Central Government in the Ministry of Labour, Employment and Rehabilitation by their order No 2/134/68-LRII dated the 20th of August, 1968 have referred to this tribunal an industrial dispute existing between the employers in relation to the South Tisra Colliery, Post Office—Khas Jeenagora, District—Dhanbad and their workmen in respect of the matters specified in the following schedule under section 10(1)(d) of the Industrial Disputes Act, 1947.

SCHEDULE

'Whether the action of the management of the South Tisra Colliery, Post Office Khas Jeenagora, District Dhanbad in dismissing its workman Shri Nakul Mahato, Fitter Mistry, with effect from the 10th March, 1968 was justified? If not, to what relief is the workman entitled?'

2. The employers filed the written statement on 25-2-1969. The written statement on behalf of the workman was filed on the 14th of October, 1968. It is unnecessary to state the respective cases of the parties because the dispute has been settled. On the date fixed for hearing the parties came up with the joint petition of settlement. According to the terms of compromise the employers are to pay a lump sum amount of Rs. 800/- (Eight hundred only) to the workman Sri Nakul Mahato as an *ex-gratia* payment and the workman on his behalf agreed to accept the said offer of payment and did not press for employment. The offered amount of Rs. 800/- (Rupees eight hundred) was paid to the concerned workman Sri Nakul Mahato on 29-3-1969 before this tribunal. The terms of compromise are satisfactory and are accepted. Accordingly an award is made in terms of the joint petition of settlement. A copy of which is annexed with the award.

3. It may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

BEFORE THE HON'BLE PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE No. 100 OF 1968

PARTIES:

Employers in relation to South Tisra Colliery;

Vs.

Their Workmen.

Joint Petition of Compromise

THE PARTIES ABOVENAMED respectfully beg to submit as under:—

(1) That the above matter is pending before this Hon'ble Tribunal for adjudication;

(2) That the parties herein concerned have in the mean time mutually arrived at a settlement under the following terms:—

- (a) that the employers will pay a lump sum amount of Rs. 800/- (Rupees eight hundred only) to the workman Shri Nakul Mahato as an *ex-gratia* payment;
- (b) that the workman Shri Nakul Mahato agrees to accept the said offer of payment and he does not press for employment neither he will have any claim of employment in future;
- (c) that this payment finally resolves the dispute between the parties and the parties will bear their respective cost to this proceeding;
- (d) that the offered amount of Rs. 800/- (Rupees eight hundred only) is paid to the workman Shri Nakul Mahato on this day (29-3-1969) before the Hon'ble Tribunal and in token of receipt of the same the workman Shri Nakul Mahato signs a receipt to that extent

(3) That in the circumstances the parties abovenamed respectfully beg to pray that the settlement may kindly be accepted by this Hon'ble Tribunal and an award be passed in terms hereof;

And for this act of kindness the Parties as in duty bound shall ever pray.

Dated, Dhanbad the 29th March, 1969.

(Sd.) P. K. BOSE,
Advocate:

For the Workmen:
(Sd.) J. D. LALL,
Pleader:
(Sd.) NAKUL MAHATO,
The concerned workman.
[No. 2/134/68-LRII.]

S.O. 1703.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the South Govindpur Colliery of Shri H. I. Pathak, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 10th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 59 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A. M.L.,—*Presiding Officer.*

PARTIES:

Employers in relation to the South Govindpur Colliery

AND

Their workman.

APPEARANCES:

For Employers.—Shri S. S. Mukherjee, Advocate.

For the workmen.—Shri Shanker Bose, Secretary, Colliery Mazdoor Sangh.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, dated the 3rd of April, 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the South Govindpur Colliery of Sri H. I. Pathak, Post Office Katras, District Dhanbad, and their workman by its order No. 2/150/66/LRII dated the 5th of November, 1966, referred to the Central Government Industrial Tribunal, Dhanbad for adjudication the dispute in respect of the matter specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

“Whether the termination of service of the following workmen by the management of south Govindpur Colliery of Shri H. I. Pathak with effect from the dates shown against their names is justified? If not, to what relief are the workmen entitled?”

- | | |
|--|-----------|
| (1) Shri Dulal Rewani. Trammer | 30/7/1966 |
| (2) Shri Janki Rewani. General Mazdoor | 27/7/1966 |
| (3) Shri Bhujang Rewani. P. Mistry. | 27/7/1966 |

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 152 of 1966 on its file. While it was pending there the proceeding was transferred to the Central Government Industrial Tribunal, No. 2, Dhanbad by the Central Government by its order No. 2/25/67-LRII dated the 8th of May, 1967 and there it was registered as reference No. 188 of 1967. The Central Government by its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968, transferred the dispute to this tribunal and here it has been re-numbered as reference No. 59 of 1968.

3. The Secretary, Colliery Mazdoor Sangh filed the written statement on 20-6-68. The case of the union is that the concerned workman were the permanent employees and that the service of Sri Dulal Rewani, Trammer was terminated on 30-7-66 and that the services of Sri Janki Rewani, General Mazdoor and Sri Bhujang Rewani were terminated on 27th of July, 1966. The case of the union is that while terminating the services of the concerned workmen, the management did not take into consideration their seniority in service and persons junior to them were allowed to continue to work in the colliery and that immediately after the termination of their services a number of new hands were recruited by the management for performing the same work. But none of the concerned workmen were re-employed in spite of their presenting themselves at the time of recruitment.

4. The management of the South Govindpur Colliery were not implementing the awards and agreements and had also violated the provisions of the Payment of Wages Act, Mines Act and the Industrial Disputes Act. The concerned workmen

were the active members of the Union and had always been at the forefront of the movement for realisation of the demands and had thus incurred the wrath and displeasure of the management and it was on this account that the concerned workmen were refused employment though there was plenty of work in the colliery. The concerned workmen therefore, prayed for reinstatement in the original job with continuity of service and with full back wages.

5. The employers filed the written statement on 19-1-68. According to the management all the three concerned workmen viz. Sri Dulal Rewani, Janki Rewani and Bhujang Rewani were all temporary workmen. There was no sufficient work for these workmen and as they were temporary workmen their services were terminated and each of them was offered one week's wages in lieu of notice as per condition of their service. Out of the aforesaid three workmen Sri Janki Rewani and Bhujang Rewani have already received their notice pay and also other dues upto the date of termination. Sri Dulal Rewani, however, has not taken the notice pay although the same was offered to him. Janki and Bhujang Rewani have since been re-employed and they are continuing in their services in the colliery. According to the management the termination of services of the concerned workmen with effect from the dates shown against their names in the schedule of the terms of reference are justified and they are not entitled to any relief.

6. On behalf of the management one witness was examined viz. Sri V. H. Thaker (MW-1), the manager of the colliery and seven items of documents were marked as Ext. M-1 to M-7 and on behalf of the workmen one witness was examined viz. Sri Janki Rewani, one of the concerned workmen (WW-1) and six items of documents were marked as Ext. W-1 to W-6.

7. The point for consideration is whether the termination of services of the concerned workmen Sri Dulal Rewani, Janki Rewani and Bhujang Rewani with effect from the dates shown against their names in the terms of reference is justified?

Bhujang Rewani

8. The services of the concerned workman Sri Bhujang Rewani was terminated with effect from 27-7-66 Ext. W-1 is the notice of termination. The termination notice stipulated that he will be paid one week's wages in lieu of notice. Ext. M-2 is voucher showing payment to Bhujang Rewani. According to the management Sri Bhujang Rewani was a temporary workman and that in the year 1966 he worked only for 116 days. Ext. M-4 is the abstract of attendance register for the year 1966. MW-1 Sri V. H. Thaker, the manager of the colliery has stated in his evidence that Bhujang Rewani was a weekly paid workman and that his services were terminated by notice ext. W-1 and that after the termination of service he accepted the full and final payment for which he granted voucher Ext. M-2. After the termination of services and after he accepted the full and final payment he was re-employed by the management and that he is still in service. Sri Bhujang Rewani has not been examined to challenge the termination of his service or to challenge the voucher filed by the management.

Dulal Rewani

9. According to the management Dulal Rewani was a temporary workman and that in the year 1966 he worked only for 45 days and his services were terminated with effect from 30-7-66 by notice Ext. W-3. In this notice he was told that he shall be paid one week's wages in lieu of notice. The management has filed Ext. M-5, the voucher showing payment to Dulal Rewani. Sri Dulal Rewani has not been examined to challenge the termination and to challenge the voucher (Ext. M-5).

Janki Rewani

10. According to the management Sri Janki Rewani was also a temporary workman and that he worked only for 144 days in the year 1966 vide ext. M-4, the abstract of attendance register for the year 1966. The manager has also filed the voucher Ext. M-1 showing full and final payment to Janki Rewani. MW-1 Sri V. H. Thaker, the manager of the colliery has stated in his evidence that Janki Rewani after the termination of his service accepted full and final payment. He was also re-employed by the management. After the termination of service Janki Rewani worked for about three months and then left the service out of his own accord and at present he is working at New Teturla Colliery. Sri Janki Rewani has been examined on behalf of the workmen and is WW-1. In his cross-examination he has admitted that after the termination of service the management re-employed him and that he worked for two weeks and that at present he is working at New Teturla Colliery. According to his own admission after the termination of service he was re-employed by the management. The management has also filed the

voucher Ext. M-1 showing the full and final payment to Janki Rewani. It appears that Ext. M-1 is genuine document and that Sri Janki Rewani granted this receipt after receiving the full and final payment. The management has filed the Standing Order and the termination of these workmen who were the weekly paid workmen is in accordance with the Standing Order 14.

11. There is no evidence that at the time of their termination of services persons who were junior to them were allowed to continue to work in the colliery nor there is any evidence that immediately after the termination of services of the concerned workmen a number of new hands were recruited by the management for performing the same work and that the concerned workmen were not re-employed in spite of presenting themselves at the time of recruitment. There is also no evidence that the concerned workmen were the active members of the Union. The concerned workmen have not even filed any document to show that they are even members of any union. No case of victimisation or unfair labour practice has been made out by the concerned workmen.

12. It is a case of discharge of temporary workmen according to the Standing Orders. The employer has right to discharge a temporary workman at any time simply by giving notice of discharge. Termination of the services of an employee in an industrial establishment in accordance with the Standing Order is the valid termination of service.

13. In this view of the case I hold that the termination of services of the concerned workmen Sri Dulal Rewani, Janki Rewani and Bhujang Rewani with effect from the dates shown in the order of reference is justified and they are not entitled to any relief.

14. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINGH,

Presiding Officer.

[No. 2/150/66-LRII.]

S.O. 1704.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Bhalgora Colliery of Messrs Bhalgora Coal Company Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 10th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD.

REFERENCE No. 113 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A. M.L.,—Presiding Officer.

PARTIES:

Employers in relation to the Bhalgora Colliery.

Vs.

Their workmen.

APPEARANCES:

For Employer—None appeared.

For workmen—Shri Lalit Burman, General Secretary, Bihar Khan Mazdoor Sangh.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 1st April, 1969

AWARD

1. The Government of India in the Ministry of Labour, Employment and Rehabilitation by their order No. 2/189/68-LRII dated the 25th of November, 1968 ployers in relation to the Bhalgora Colliery of Messrs Bhalgora Coal Company Limited, Post Office Jharia, District Dhanbad, and their workman in respect of the matters specified in the following schedule under section 10(1) (d) of the Industrial Disputes Act, 1947.

SCHEDULE

"Whether the management of Bhalgora Colliery of Messrs Bhalgora Coal Company Limited, Post Office Jharla, District Dhanbad, was justified in dismissing Shri A. Z. Abdi, Despatch Clerk, with effect from the 15th February, 1968? If not, to what relief is the workman entitled?"

2. The General Secretary, Khan Mazdoor Sabha filed the written statement on 25th January, 1969, on behalf of the workmen. The contention of the union is that Sri A. Z. Abdi, the concerned workman has been working in the Bhalgora Colliery as a clerk since 14th June, 1952, continuously. The management did not implement the Recommendations of the Central Wage Board for the Coal Mining Industry in respect of the Clerks. As Sri Abdi demanded implementation of the Wage Board Recommendations and revisions of the scales of pay etc., he became an eye-sore of the management. Under such circumstances, the Director and Nominated Owner of the Company at Calcutta dismissed the workman by letter dated the 15th February, 1968 alleging certain irregularities in his work. The management passed the summary order of dismissal against the workman without issuing any chargesheet, without giving the workman any opportunity to give his explanation to the allegations made, and without holding any enquiry as required under the Standing Orders applicable to the colliery. Even after the receipt of the said order the workman continued to perform his duties at the colliery at the request of the manager. But by a further order dated 9th March, 1968, given by the said Director and Nominated Owner of the Company, the workman was directed to hand over the charges, and under such circumstances the workman handed over the charge to the Manager of the colliery.

3. According to the union the action of the management in dismissing the workman without any chargesheet and enquiry amounts to gross violation of the provisions of the Standing Order and is totally illegal and is against the principles of natural justice. In dismissing Shri A. Z. Abdi the management acted with bad faith and with a spirit of victimisation.

4. On 30th December, 1968, the management filed written statement. According to the management the concerned workman Sri A. Z. Abdi was performing the duties of despatch clerk which is a very responsible and confidential job. Sri Abdi with a motive to put the employers into financial loss, embarrassment and loss of business reputation deliberately caused the following irregularities:—

(a) Railway Receipt No. 855512 dated 18th November, 1967, for Coal Wagon meant for M/s. Coal Marketing Co., of India Private Ltd., Lucknow, (U.P.) was sent to M/s Belur Iron Foundry, Belur in West Bengal;

(b) Railway receipt meant for M/s. Coal Marketing Co. of India Private Ltd., at Waterloo Street, Calcutta was addressed to 22, Station Road, Post Box 144., Calcutta-1. (There is no existence of any Road by such name as Station Road in Calcutta nor the Post Box No. belong to the addressee);

(c) Letter dated 23rd November, 1967, addressed to M/s. Bamandiha Coal Co., Ltd., Calcutta office was sent to Lucknow;

(d) Letter dated 23rd November, 1967, addressed to M/s. Coal Marketing Co. of India Private Ltd., for its Calcutta Office was sent to Lucknow.

5. According to the management the workman was engaged in a responsible and confidential position and committed the aforesaid misconducts which were proved on the basis of documentary evidence and therefore, there was no necessity of holding any formal enquiry before passing the order of dismissal dated 15th February, 1968. According to the management they are not aware of the trade union activities of Sri Abdi, the concerned workman.

6. This reference was fixed for hearing on 22nd February, 1969. On that date Sri Lalit Burman, General Secretary, Bihar Khan Mazdoor Sabha represented the workman. None appeared on behalf of the employers and therefore, the reference was adjourned for hearing to 18th March, 1969. On that date Sri Lalit Burman, General Secretary, Bihar Khan Mazdoor Sabha represented the workman but none appeared on behalf of the employers. They did not submit any petition either on 22nd February, 1969, or 18th March, 1969, praying for adjournment. The employers were informed by registered notice dated 22nd February, 1969, in which they were clearly intimated that if they fail to be present on 18th March, 1969, the case will be heard ex-parte. The employers

did not appear on 18th March, 1969, in spite of services of notice and therefore, I was compelled to take up the case *ex parte*.

7. On behalf of the workman Sri A. Z. Abdi, the concerned workman was examined as a witness (WW-1) and two items of documents were exhibited viz., W-1 and W-2. Ext. W-1 recites the several irregularities which were committed by Sri A. Z. Abdi. It further recites that it has been established and proved that the concerned workman Sri Abdi had committed the irregularities mentioned in that letter dated 15th February, 1968, and it was ordered that he was being dismissed from service immediately with effect from 15th February, 1968. The chargesheet and the dismissal order are combined in the same letter.

8. In this case it is admitted that no departmental enquiry was held to enquire into the allegations made against the concerned workman. The principle of natural justice is that no one should be condemned or punished without giving an opportunity to explain the circumstances against him.

9. In this case no enquiry was held by the management. In all cases where the employer wishes to take disciplinary action against the employee the employer must hold a proper enquiry into the alleged misconduct of the employee. The enquiry should be conducted with the adherence to the principles of natural justice and should give the employee an opportunity for adequately representing his case. Before workman can be dismissed for misconduct, the employer must hold a regular enquiry. Dismissal without holding regular enquiry is an irregularity.

10. It is to be noted that the management did not appear before this tribunal and therefore, the question of substantiating the charge by the management before this tribunal does not arise.

11. I therefore, hold that the management of Bhalgora Colliery of Messrs Bhalgora Coal Company Limited was not justified in dismissing Sri A. Z. Abdi, the Despatch Clerk with effect from the 15th February, 1968. The concerned workman Sri A. Z. Abdi is therefore entitled to be reinstated with full back wages from the date of his dismissal i.e., from the 15th of February, 1968, upto the date of reinstatement along with continuity of service.

12. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

[No. 2/189/68-LRII.]

New Delhi, the 24th April 1969

S.O. 1705.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri N. D. Bodade, Arbitrator, in the industrial dispute between the management of Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Central Office, Industry Colliery, Post Office Dhansar (Dhanbad), Bihar and their workmen represented by the Hindustan Khan Mazdoor Sangh, Head Office Murlidih, Post Office Mohuda, District Dhanbad, which was received by the Central Government on the 2nd April, 1969.

Arbitration Award of Shri N. D. Bodade, Regional Labour Commissioner (Central), Dhanbad under the Industrial Disputes Act, 1947 in the matter of an Industrial Dispute in relation to the management of Balihari Colliery and their workmen represented by the Hindustan Khan Mazdoor Sangh over the alleged illegal dismissal of Shri Rameshwar Mondal, Mining Sirdar.

PRESENT:

Shri N. D. Bodade, Regional Labour Commissioner (Central), Dhanbad and Arbitrator.

Appearance of the parties:

On behalf of the employer.—Shri R. N. Singh, Supdt. of Balihari Colliery, P.O. Kusunda, Distt. Dhanbad.

On behalf of the employee.—Shri S. B. Chariya, General, Secretary, Hindustan Khan Mazdoor Sangh, Dhanbad.

INDUSTRY: Coal.

STATE: Bihar.

REFERENCE No. D-69(8)/67.

Dated, Dhanbad the 26th March, 1969

AWARD

By order No. 2/18/67-LR. II dated 10th February, 1967, the Ministry of Labour and Employment referred an Arbitration agreement dated 17th January, 1967, in relation to the management of Ballihari Colliery, P.O. Kusunda, Distt. Dhanbad and their workmen represented by the Hindusthan Khan Mazdoor Sangh (UTUC), Dhanbad in the matter of alleged illegal dismissal of Shri Rameshwar Mondal, Mining Sirdar. The specific matter in dispute is as under:—

"Whether the management of Ballihari Colliery of M/s. Ballihari Colliery Co., (P) Ltd., P.O. Kusunda, Distt. Dhanbad was justified in dismissing from Service Shri Rameshwar Mondal, Mining Sirdar with effect from 21st November, 1966? If not, to what relief is the worker concerned entitled?"

This matter was fixed for hearing in my office on 1st March, 1967, under due intimation to all concerned, on which date Shri S. V. Achariyar, General Secretary of the Union appeared on behalf of the workmen but there was no appearance from the side of the management. However, they sent an application requesting the undersigned that M/s. Ballihari Colliery Co. (P) Ltd., is not managing at present the Ballihari Colliery and that the management have changed to M/s. Madhusudhan Bros. Ltd., who should be made party in this issue. Accordingly another date had to be fixed and with the consent of Shri Achariyar the case was adjourned. Thereafter next date was fixed as 10th April, 1967, on which date all the parties were invited for hearing. But on this date also no hearing could take place as there was a request for adjournment from the Secretary of Hindusthan Khan Mazdoor Sangh. After this many other dates were fixed but the matter could not be finalised before 16th April, 1968 owing to non-appearance either of the management or the Union for one reason or the other. On 16th April, 1968 the matter was taken up for hearing. On behalf of the management Shri R. N. Singh and Shri R. S. Pillai appeared whereas Shri S. V. Achariyar, General Secretary of the Union appeared and represented the workman. At the preliminary stage of the hearing Shri Achariyar raised many objections that Shri S. R. P. Singh who was attending the arbitration had no *locus-standi* to attend the hearing without any authority from the Director. Further this agreement was made with the management of Ballihari Colliery (P) Ltd. In addition to the above Shri Achariyar stated that workman is entitled to produce witnesses to prove their contention before the Arbitrator, at the first stage of hearing. He further demanded that the written statement submitted by the management and the enquiry papers produced as alleged to be original should be proved by the witnesses of the management and till then those papers cannot be admitted by the Court. On behalf of the management Shri S. R. P. Singh stated that the contention of the union is not correct in view of the fact that it is open to the other party to produce witnesses before the Arbitrator because he had been given adequate opportunities to produce whatever witnesses/evidences he wanted to before the enquiry officer at the time of domestic enquiry. If he has not availed of that opportunity he has no right to avail of the same at this stage. The papers filed by any party are always admitted by the Court of Law and question of proving them arises only when other party denies any of the documents. Since the other party has not specially denied the documents so it should be presumed that the documents are genuine and be admitted.

3. On hearing the contention of the both sides I acceded to the request of Shri Achariyar and asked the management to produce the enquiry officer who conducted the departmental enquiry proceedings in respect of the above workman in order to prove the same. Accordingly, the matter was adjourned. On other dates the management produced the enquiry officer in presence of the opposite party and proved the documents as produced by the management at the time of previous hearing. The enquiry officer produced by the management namely Shri A. D. Shukla, was also cross-examined by Shri Achariyar to his full satisfaction. Shri Achariyar also placed his side of the case as follows.

4. That Shri Rameshwar Mondal, Mining Sirdar has been in employment of Ballihari Colliery Co. (P) Ltd., for about thirty years and from the very creation of the Union (Hindusthan Khan Mazdoor Sangh) was active worker of the union on account of which he had always been an eye-sore of the Employers.

That the workman had many a times suffered harassment at the hands of the Employers in the form of unfounded chargesheets, suspension etc.

That the so called Executive Consultant Shri R. N. Singh, whose power and functions were never disclosed, had been a cruder against the workers' right to form their Trade Union and from the very beginning he had been moving for smashing the Hindusthan Khan Mazdoor Sangh and introducing contract labour in the colliery by driving out direct labours. To achieve this end he has by now victimised most of the activities of the Sangh and the workman, Shri Rameshwar Mondal was one of them.

That the workman was innocent of the alleged act of misconduct leading to his dismissal and he has been dismissed from his service for non-reasonable cause, in breach of Standing Orders and principles of Natural Justice.

That the employer has not given proper consideration of the workmen's defence and material facts of the case. The purported enquiry has been coloured and conclusions reached were perverted.

That the enquiry officer did not impartially hold the enquiry and he all through presented a sort of command performance.

That the enquiry officer did not act as a 'judge' but spokesman' of the employer by putting words into the mouths of witness to material advantage of the management, asking leading questions and destroying evidence and facts of the case.

That the conclusions reached by the enquiry officer were unfounded having no evidential basis and wholly perverse.

That the workman acted in good faith as an obedient servant in not allowing mining operation in 7½ level under instruction of the manager, who was the Chief Executive Officer of the colliery, on the grounds of safety. As per Manager's instruction whole of the 7½ level was forbidden for operation till proper arrangements were made. This was clear from the Manager's own evidence.

That the overman had no business to give contrary orders and they should have consulted the manager before ordering coal cutting at 7½ level. It was submitted that their order for coal cutting at the level was neither lawful nor reasonable and in face of the Manager's directive no order at all. As such, no question of any act of misconduct on the basis of such an order could arise.

That in fact also, the workman did not refuse to listen to the order of Overman and after explaining the Manager's directive, he arranged for coal cutting as required by the Overman.

That Shri R. N. Singh had no executive authority to direct the workman to leave the mine and that also on a verbal order. No charge on this basis could validly be made.

That without prejudice to the above, it was submitted that the workman as a Mining Sirdar on duty could not leave the mine without making over proper charge because to do otherwise would had been contrary to the mining rules and regulations.

That in fact, however, the workman did not show any disrespect to Shri R. N. Singh and when he explained to Shri Singh the difficulty before him in going out, no further directive was given to him to get out. Legitimately construing that the matter was over, he continued to work till the end of his duty. Nobody objected to his working and none was deputed to replace him during his shift.

That there had been no defiance on the workman's part in continuing to work for whole of the shift on 27th October, 1966.

That the workman did not violate the Standing Order No. 29(1)(9) and the charges on the account was wholly misplaced.

That besides, dismissal of the workman was illegal and in breach of Section 33(2)(b) of the Industrial Disputes Act, 1947 because it has been inflicted during the pendency of adjudication proceedings without moving the Hon'ble Tribunal, Dhanbad to obtain its approval and payment of one month's wages.

That the dismissal of the workman was not bonafide, it was illegal and devoid of merit and was result of ulterior motive and victimisation

That the dismissal was in Law and unsustainable on facts on above and other grounds.

That the dismissal has done grave injustice to the workman and the cause of Social Justice.

That the contention except in para 1 of the statement submitted on behalf of the Balihari Colliery under the signature of Shri A. D. Shukla Group Personnel Officer dated 15th May, 1967 are hereby denied.

With the above submission Shri Achariyar prayed that the workman Shri Rameshwar Mondal should be reinstated with full back wages and other benefits and amenities for harassment and other inconvenience caused to him on account of his dismissal.

5. On the other hand the management did not submit any written statement but they produced the entire set of connected papers etc. and requested the Arbitrator to go through those documents and to judge himself the justifiability of the management's action. However, the management's representative briefly stated that an agreement dated 17th January, 1967 between the old management of Balihari Colliery and the Union, Hindusthan Khan Mazdoor Sangh in respect of the dismissal of Shri Rameshwar Mondal, Mining Sirdar of Balihari Colliery was referred for decision by the Hon'ble Arbitrator.

He further stated that after the said agreement the management of Balihari Colliery changed hands and by a petition dated the 1st March, 1967 a request was made for making the new management i.e. M/s. Madhusudhan Bros. Ltd. as necessary party under section 18 of the I.D. Act and which has so been summoned.

That with the change over of the management on the papers *vis-a-vis* the dismissal of the workman in question were with the new management, the said new management may be asked to file the written statement in this case and that management is the only competent management now to do so.

That since all the relevant papers concerning and leading to the dismissal of the workman in question are with the new management, the said new management may be asked to file the written statement in this case and that management is the only competent management now to do so.

That however, it may be mentioned that the action of dismissal against the workman concerned was taken after due and proper enquiry in which the workman was offered fully opportunity to defend himself and to cross-examine the witnesses who appeared in support of the charges against him.

That for taking the said action of the dismissal the old management was not at all influenced and carried by any extraneous considerations biased or prejudiced against the workman concerned. Allegations to this effect were vehemently denied. In fact the then management had always been sympathetic to and co-operative with the Union and its legitimate trade union activities.

With the above submission the management's representative stated that the action of the management was bonafide. It was, therefore, prayed that since the action taken by the management has been rightfully taken and in a bonafide way the workman concerned is not entitled to any relief whatsoever.

6. As per request of the management I have gone through the original enquiry papers of Shri Rameshwar Mondal wherein I observe that management in every stage gave full opportunity to Shri Mondal to defend his case and he has also availed of that opportunity and has cross-examined the witnesses produced in favour of the management. Shri Mondal also signed all the enquiry papers, which was conducted in his presence and also produced witnesses from his side in support of his case. Further, I observe that Shri Mondal had actually committed misconduct of wilful insubordination and disobedience of the lawful orders of his superiors and caused deliberate obstruction in the normal production. It has also been established during the enquiry that Shri Rameshwar Mondal was guilty of misconduct. The Union's contention that Shri Rameshwar Mondal was dismissed for his trade union activities is not correct.

7. Under the above circumstances, I hold that the management was justified in dismissing Shri Rameshwar Mondal for his proved misconduct with effect from 21st November, 1968.

The 27th March, 1969.

Sd./- N. D. BOHALE,
Regional Labour Commissioner (Central),
Dhanbad and Arbitrator.
[No. 2/18/67-LR. II.]

New Delhi, the 25th April 1969

S.O. 1706.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Amlabad Colliery of Messrs Karamchand Thapar and Brothers Private Limited, Central Office Bhowra, Post Office Bhowra (Dhanbad) and their workmen, which was received by the Central Government on the 18th April, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 21 OF 1968

PARTIES:

Employers in relation to the Amlabad Colliery of Messrs Karamchand Thapar and Brothers Private Limited, Central Office, Bhowra, P.O. Bhowra, Dist., Dhanbad.

Vs.

Their workmen

PRESENT:

Shri Kamla Sahai, Presiding Officer.

APPEARANCES:

For the Employers.—Shri K. C. Nandkeolyar, Deputy Chief Personnel Officer.

For the workmen.—None.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 31st March, 1969

AWARD

Under its order No. 2/22/68-LRII dated the 18th March, 1968, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) has made this reference to this Tribunal for adjudication of an industrial dispute which has been described in the schedule as follows:—

SCHEDULE

“Whether the action of the management of Amlabad Colliery of Messrs. Karamchand Thapar and Brothers Private Limited, in reverting their workman Shri Bhagwat Dusadh, from Haulage Khalasi to Under ground Trammer with effect from the 4th July, 1967 was justified? If not, to what relief is the workman entitled?”

2. Neither the union nor the concerned workman, Shri Bhagat Dusadh, has taken any interest in the case. The Secretary of the Union came to the Tribunal's office on the 27th December, 1968 and made a note in the margin of the ordersheet to the effect that he had seen the order of the 25th December, 1968 and noted. Thereafter notice was given, fixing today as the date of hearing. This notice was served but no one has come to represent the Union. Shri K. C. Nandkeolyar, Deputy Personnel Officer of the Company has, however appeared to represent the company. I have decided to take up the case for hearing *ex-parte*.

3 Shri Nandkeolyar has examined two witnesses. They have proved that Shri Bhagwat Dusadh was appointed Haulage Khalasi temporarily on a temporary post and, in any case, haulage khalasi is a post in category III whereas

underground trammer is a post in category V so that the underground trammer's post is higher. Bhagwat Dusadh cannot, therefore, have any grievance for being on a higher post. M.W. 2 has stated that Bhagwat Dusadh has joined as an underground trammer after working as haulage khalasi and that he is still working in the service of the company. Obviously, therefore, he has no further grievance.

4. Both the management's witnesses have proved that there is no union in Amlabad Colliery which is known by the name of Jankranti Mazdoor Sangh. Perhaps this is the reason which explains the absence of any representative of the union from this Tribunal.

5. In the circumstances mentioned above, I have come to the conclusion that the action of the management of Amlabad Colliery in reverting Bhagwat Dusadh from Haulage Khalasi to Underground Trammer was justified and, in any case could not cause any grievance to the workman. In view of this answer to the first question, the second question is to be answered in this way that the workman is not entitled to any relief.

6. This is my award. Let it be submitted to the Central Government under section 15 of the Act.

(Sd.) KAMLA SAHAI,

Presiding Officer.

[No. 2/22/68-LRII]

S.O. 1707.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the South Govindpur Colliery, Post Office Katrasgarh, District Dhanbad and their workmen, which was received by the Central Government on the 17th April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3), AT DHANBAD

REFERENCE NO. 24 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A. M.L., Presiding Officer.

PARTIES:

Employers in relation to South Gobindpur Colliery

Vs.

Their workmen.

APPEARANCES:

For Employers.—Shri S. S. Mukherjee, Advocate.

For Workmen.—Shri Shankar Bose, Secretary, Colliery Mazdoor Sangh.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, the 10th of April, 1969

AWARD

The Central Government being of opinion that an industrial dispute exists between the employers in relation to the South Gobindpur Colliery, Post Office Katrasgarh, District Dhanbad and their workmen by its order No. 2/74/66-LRII dated the 16th May, 1966, referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:—

SCHEDULE

“Whether the stoppage of work in respect of the following 19 workmen with effect from the 29th November, 1965, by the management of the South Gobindpur Colliery, Post office Katrasgarh (District Dhanbad) was justified?

1. Shri Kati Turi, Line Mazdoor
2. Shri Bhairo Mahato, Line Mazdoor

3. Shri Gokul Rewani, Line Cleaner Mazdoor
4. Shri Mhatir Mian, Line Cleaner Mazdoor
5. Shri Nakul Rewani, Line Cleaner Mazdoor
6. Shri Sibhu Mahato, Line Mistry
7. Shri Jito Rewani, Line Cleaner Mazdoor
8. Shri Prasadi Roy, Pump Khalasi
9. Shri Jagdish Roy, Trammer
10. Shri Pusu Roy, Trammer
11. Shri Jawad Hussain, Trammer
12. Shri Mugan Roy, Trammer
13. Shri Pran Mahato, Trammer
14. Shri Gobardhan Roy, Trammer
15. Shri Moti Roy, Trammer
16. Shri Khedan Roy, Trammer
17. Shri Bhikhni Kamin, Boiler Kamin
18. Shri Chhabi Kamin, Boiler Kamin
19. Shri Suradhani Kamin, Boiler Kamin

If not, to what relief are these workmen entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as Reference No. 97 of 1966 on its file. While it was pending there the dispute was transferred to the Central Government Industrial Tribunal No. 2, Dhanbad by the Central Government by its order No. 8/25/67-LRII dated the 8th of May, 1967 and there it was registered as Reference No. 150 of 1967. The Central Government by its subsequent order No. 8/71/68-LRII dated the 13th August, 1968 transferred the dispute to this Tribunal and here it has been registered as Reference No. 24 of 1968.

3. The Secretary, Colliery Mazdoor Sangh filed written statement on behalf of the workmen on 26th April 1968. According to the union all the 19 concerned workmen in this dispute have been working in 13 seam incline of the colliery permanently. The services of all the concerned workmen were terminated by the management with effect from the 29th of November, 1965. While terminating the services of the workmen concerned, the management did neither give them notice as required either under the standing orders or the Industrial Disputes Act, nor took into consideration their seniority in service and persons junior to them were allowed to continue to work in the colliery inspite of the representations made by the workmen concerned. Immediately after the termination of service of the workmen concerned a number of new hands were recruited by the management for performing the same work, but none of them were re-employed inspite of their presenting themselves at the time of the recruitment.

4. According to the union all the concerned workmen were active members of the union and had always been at the forefront of the movement for realisation of the demands and thus incurred the wrath and displeasure of the management. According to the union the termination of the services of the concerned workmen was uncalled for, unjustified, *malafide*, illegal and therefore they prayed for reinstatement of the concerned workmen in their original jobs with continuity of service with full back wages.

5. The management filed the written statement on 19th January 1968. According to the management there was no workmen of the name(s) Mhatir Mia (Sl. No. 4), Mugan Roy (Sl. No. 12), Smt Bhikhni Kamin (Sl. No. 17), Smt. Chhabi Kamin (Sl. No. 18) and Smt. Surdharni Kamin (Sl. No. 19) working in the colliery at any time. Out of the aforesaid 19 workmen S/Shri Jito Rewani (Sl. No. 7), Pushu Roy (Sl. No. 10) and Pran Mahato, workman mentioned in serial No. 13 are still working under the management and they were not stopped from work with effect from the 29th November, 1965.

6. Shri Nakul Rewani, workman mentioned in serial No. 5 had already accepted his full and final payment and left the Colliery and therefore there cannot be any dispute regarding this workman.

7. Workmen mentioned in serial Nos. 1, 2, 3, 6, 8, 9, 11, 14, 15 and 16 were all temporary workmen and have not even put in 3 months' service in the Colliery.

8. The services of the above workmen were no longer required and as such it was terminated by letter dated the 29th November, 1965. According to the management most of the aforesaid workmen are working in other collieries. According to the management they were justified in terminating the services of the aforesaid workmen.

9. According to the management they were not aware of any union activities of the workmen concerned and that the termination of services of the concerned workmen was *bona fide* and that they are not entitled to any relief.

10. On behalf of the management Shri V. H. Thacker, the manager of the Colliery was examined as a witness (MW-1) and four items of documents, Ext. M-1 to M-4 were marked as exhibits—On behalf of the workmen three witnesses *viz.* Bhikni Kamin mentioned in serial No. 17 (WW-1), Chhabi Kamin workman mentioned in serial No. 18, (WW-2) and Suradhani Kamin workman mentioned in serial no. 19 (WW-3), were examined and two items of documents are marked as Exhibits nos. W-1 and W-2 (series 1 to 3).

11. The point for consideration in this reference is whether the stoppage of work in respect of the 19 concerned workmen mentioned in order of reference was justified?

12. According to the management there was no workman mentioned in serial nos. 4, 12, 17, 18 & 19. The management has examined Shri V. H. Thacker, the manager of the colliery and he has stated in his evidence that the workmen mentioned in serial nos. 4, 12, 17, 18 & 19 in the order of reference, are not the workmen of this colliery. He has further stated that he prepared the attendance chart of all the 19 workmen concerned in the order of reference showing the attendance NIL in respect to the workmen mentioned in serial nos. 4, 12, 17, 18 and 19 because they were not the workmen of this Colliery at any time. For this purpose he filed the abstract of the attendance registers [Ext. M-4(1) & (2)]. He also stated in his evidence that the abstract of the attendance register was correctly prepared under his own supervision with reference to the attendance registers also produced before this Tribunal. Ext. M-4 shows that the workmen mentioned in serial no. 4 Mhatir Mia, serial no. 12 Mugan Roy, serial no. 17 Smt. Bhikni Kamin, serial no. 18 Smt. Chhabi Kamin and the workman mentioned in serial no. 19 Smt. Surdharni Kamin never attended the colliery either in the year 1964 or 1965. The management also produced the attendance registers on the basis of which the abstract/chart marked Ext. M-4 was prepared. These attendance registers are statutory registers maintained under Section 48(3) of the Mines Act read with Rule 78 of the Mines Rules. The union did not examine as witnesses the workmen mentioned in serial nos. 4 and 12 i.e. S/Shri Mhatir Mia and Mugan Roy. The union examined only three witnesses *viz.* Smt. Bhikni Kamin mentioned in serial no. 17, Smt. Chhabi Kamin serial no. 18 and Smt. Surdharni Kamin serial no. 19. They have stated in their evidence that they worked as boiler Kamins but they have not filed any paper to show that as a matter of fact they were working there as boiler Kamins. They have admitted in their evidence that they have got papers to show that they had worked as boiler Kamins in the South Gobindpur Colliery but the said papers have not been filed before this Tribunal. Their attendances have not been marked in the attendance registers of the Colliery.

13. In this view of the evidence I hold that there is no workman as mentioned in serial nos. 4, 12, 17, 18 & 19 working in the colliery.

14. According to the management workmen mentioned in serial no. 7 Shri Jitto Rewani, serial no. 10 Sri Pushu Roy and workman mentioned in serial no. 13 Sri Fran Mahato are still working in the Colliery. Shri V. H. Thacker, the manager of the Colliery (MW-1) has stated in his evidence that the workmen mentioned in serial nos. 7, 10 and 13 are still working in the Colliery and that they were never stopped by the management from work. These three workmen have not come before this Tribunal to deny the aforesaid statement and therefore there is no question of stoppage of work in respect of these three workmen mentioned in serial nos. 7, 10 and 13.

15. According to the management they issued notices terminating the services of the workmen mentioned in serial nos. 1, 2, 3, 6, 8, 9, 11, 14, 15 and 16. The management further stated that they were casual workers and their services were terminated as there was no work for them in the Colliery. The management has produced the attendance chart Ext. M-4 to show that the aforesaid concerned workmen were temporary workmen. Out of the aforesaid workmen the workmen mentioned in serial nos. 3, 9, 14, 15 and 16 received their full and final payments. According to the management they have subsequently re-employed the workmen

mentioned in serial no. 3 Shri Gokul Rewani, serial no. 5 Shri Nakul Rewani and serial no. 16 Shri Khedan Roy. According to the management workman mentioned in serial no. 5 Shri Nakul Rewani also received full and final payment. The management has filed cash vouchers (Ext. M-3 series) granted by the workmen mentioned in serial nos. 3, 5, 9, 14, 15 & 16 showing that they received their full and final payments and these workmen have not come before me to challenge the aforesaid assertion of the management.

10 There is no evidence that these concerned workmen were active members of the Colliery Mazdoor Sangh or of any other union. Shri V. H. Thacker, the manager (MW-1) has stated that he was not aware if these workmen were the members of any union. He has denied that he victimised the workmen because they were members of the Colliery Mazdoor Sangh. There is no evidence that these workmen were refused employment though there was plenty of work in the colliery and that the junior were allowed work in preference to the senior workmen. As a matter of fact there is no evidence to show that the action of the management was mala fide and amounted to victimisation and unfair labour practice.

17. In this view of the case I hold that the action of the management of South Gobindpur Colliery was justified and the workmen concerned are not entitled to any relief.

This is my award. It may be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA.

Presiding Officer,
Central Government Industrial Tribunal, No 3 Dhanbad.
[No. 2/74/66-I.RII.]

S.O. 1708.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri S. M. Dikhale, Arbitrator, in the Industrial dispute between the management of Shaw Wallace & Co Ltd., Parasia (Madhya Pradesh) and their workmen represented by the M.P. Rashtriya Koyala Khadan Mazdoor Sangh (INTUC) Post Office Parasia, Chandametta (M.P.) which was received by the Central Government on the 19th April, 1969.

In the matter of Arbitration in the Industrial Dispute over Variable Dearness Allowance between the Management of Pench Valley Coal Company Ltd., and the Amalgamated Coalfields Ltd., of which Messrs. Shaw Wallace & Co Ltd, Parasia, are the Managing Agents and their workmen represented by M. P. Rashtriya Koyala Khadan Mazdoor Sangh (INTUC), Chandametta, P.O. Parasia.

PRESENT :

Shri S. M. Dikhale, Deputy Chairman, Bombay Dock Labour Board—Arbitrator.

Representing the Employers.—(1) Shri Asa Singh, Assistant Chief Mining Engineer, Messrs. Shaw Wallace & Co. Ltd., Parasia (M.P.)

(2) Shri V. M. Thakraney, Chief Personnel Officer, Messrs. Shaw Wallace & Co. Ltd., Parasia (M.P.).

Representing the Workmen.—(1) Shri K. B. Chowgule, Secretary, Indian National Mine Workers' Federation.

(2) Shri R. P. Vishwakarma, Vice-President, M. P. Rashtriya Koyala Khadan Mazdoor Sangh (INTUC).

(3) Shri V. N. Dutta, General Secretary, M. P. Rashtriya Koyala Khadan Mazdoor Sangh (INTUC).

(4) Shri G. C. Bhattacharya, Secretary, M. P. Rashtriya Koyala Khadan Mazdoor Sangh (INTUC).

(5) Shri G. R. Swamy, Authorised Representative of M. P. Rashtriya Koyala Khadan Mazdoor Sangh (INTUC).

STATE: Maharashtra.

INDUSTRY: Coal Mines

*Dated at Bombay this Fifteenth Day of April, 1969***AWARD**

By an Arbitration Agreement under Section 10A of the Industrial Disputes Act, 1947 (Act 14 of 1947), dated 12th December, 1968, Messrs. Shaw Wallace & Co. Ltd., Parasia (M.P.), Managing Agents of the Pench Valley Coal Co. Ltd., and the Amalgamated Coalfields Ltd., and the M. P. Rashtriya Koyala Khadan Mazdoor Sangh (INTUC), Chandametta, P.O. Parasia (hereinafter referred to as the "Sangh") representing coal workers agreed to refer the Industrial Dispute with regard to the Variable Dearness Allowance to my sole Arbitration. Thereafter by an Order, dated 24th December, 1968, the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in pursuance of sub-section (3) of Section 10A of the Act was pleased to publish the Arbitration Agreement in the Official Gazette on 14th January, 1969. By the said Agreement the parties agreed to refer the following issue to my Arbitration and further agreed to treat my Award as binding on them:—

"Whether the management of the Pench Valley Coal Co. Ltd., and The Amalgamated Coalfields Limited are capable of paying Variable Dearness Allowance at a rate more than 0.78 Paise per day per worker with effect from 1st November, 1968 within the amount of increase of Rs. 4/- per tonne in the price of coal allowed to them for the purposes of implementation of the recommendations of the Wage Board as accepted by the Government".

It was stipulated in the Arbitration Agreement that I should make my Award within a period of six weeks from the time the reference is made under Section 10A of the Industrial Disputes Act, or within such further time as is extended by mutual agreement between the parties in writing, etc. The parties in the course of proceedings, however, agreed in writing on 29th January, 1969 and again on 19th March, 1969 to extend the period for giving my Award till 30th March, 1969 and 20th April, 1969, respectively..

Before the Arbitration Agreement was published in the Official Gazette the Sangh wrote to the management on 18th December, 1968 that the former would like to withdraw the request made to the Government for Arbitration and requested the latter to do likewise as according to the Sangh the Government of India was hoping to settle the matter of Variable Dearness Allowance to the satisfaction of both the parties. A copy of this letter was endorsed to the Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation, New Delhi and to me amongst others. In view of what was stated in the Sangh's letter I informed the parties on 26th December, 1968 in good faith that I would withdraw my consent to arbitrate in the above dispute. After the issue of my letter I received on 31st December, 1968 a copy of the draft Order, dated 24th December, 1968, issued by the Government of India for publication in the Official Gazette. In view of the Government's draft Order I wrote to the parties on 2nd January, 1969 that my letter, dated 26th December, 1968, should be treated as cancelled and I would start the arbitration proceedings as soon as the Government's Order was published in the Official Gazette. The Government's Order was published in the Official Gazette on 4th January, 1969 and as such I issued notices to the parties on 14th January, 1969 informing them that I shall hold a joint meeting on 29th January, 1969 and also requesting them to submit their written statements to me before the date of the meeting.

The hearing of the dispute commenced on 29th January, 1969, when both the parties were present. Opening the case on behalf of the workmen the Sangh's representative stated that the issue under arbitration was a major dispute which concerned not only the workmen of the above mentioned two coalfields but the decision of the Arbitration would also affect the workmen of the coalfields. Such being the case, the Sangh would like to fulfill the agreement which they have signed and they had no desire to back out from their commitment. The Sangh visualised certain difficulties in respect of the settlement signed by them on 16th October, 1968, and as such the Sangh wanted clarification on certain points. The Sangh, therefore, wrote to the management on 18th December, 1968 asking the latter to inform the Government jointly for withdrawal of the Arbitration as according to the information of the Sangh the Government of India was consider-

ing to settle some terms acceptable to both the parties with regard to Variable Dearness Allowance. The Sangh's representative also made a reference to the letter dated 26th December, 1968 written to the parties by the Arbitrator whereby the Arbitrator had withdrawn his consent to arbitrate in the dispute in question. According to the Sangh, the Government in the face of the Sangh's letter dated 18th December, 1968 should not have thought it fit to publish the Arbitration Agreement in the Official Gazette dated 4th January, 1969 referring the dispute to the Arbitrator. The Sangh also contended that by virtue of the letter of the Arbitrator, referred to above, whereby he had withdrawn his consent, the reference was bad in law and the Arbitrator had no jurisdiction to arbitrate in the present dispute. The Sangh's representative argued that since the Arbitrator had withdrawn his consent, the consent given by the parties to the Government also stood withdrawn. Thereafter a fresh consent of the parties concerned was necessary and the Arbitrator could only arbitrate if such a fresh consent was given.

While replying to the preliminary objections raised by the Sangh's representative, the Chief Personnel Officer of the management contended on behalf of the employer that the agreement, dated 16th October, 1968, was signed by the Sangh and the management after prolonged mutual discussion. In that agreement there was settlement regarding certain payments which the management had agreed to pay within certain period agreed upon. That part of the agreement was implemented by the management. On 16th October, 1968, the Sangh and the management jointly requested Shri P. C. Mathew, I.C.S., Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation, New Delhi to arbitrate in the dispute in question. Since they had received a negative reply from Shri Mathew they had jointly requested the Arbitrator (Shri S. M. Dikhale) by their letter, dated 11th November, 1968, to arbitrate in this dispute. The settlement was also duly registered with the Regional Labour Commissioner (C), Jabalpur to which they had jointly replied that they had written to the Arbitrator for his consent for arbitrating in the present dispute. The consent of the Arbitrator was received by them on 5th December, 1968. After the Arbitrator's consent was received the management and the Sangh jointly requested the Government of India on 12th October, 1968, to take necessary action in the matter and accordingly on 24th December, 1968, the Government of India issued an Order which was published in the Official Gazette on 4th January, 1969. The management's representative further stated that there was no specific request by the Sangh to the Government to withdraw the settlement, dated 16th October, 1968. The request made by the Sangh to the Government to withdraw their request for arbitration was only received by the Government after the Government's Order was issued for publication in the Official Gazette. Once the Government's Order is published in the Official Gazette it was not within the power of the Government also to cancel the Order. He further stated that it was his submission that the reference made by the Government to the Arbitrator for this dispute was not at all bad in law and was perfectly legal. It was his submission, therefore, that the Arbitrator should proceed with the arbitration proceedings.

After hearing the arguments of both the parties, while clarifying the position, I pointed out that the reference made by the Government for my arbitration was not at all bad in law. I pointed out that my letter dated 26th December, 1968, whereby I had withdrawn my consent was not endorsed to the Government of India and as such the Government was not aware of further developments. The Government was in possession of the arbitration agreement, dated 12th October, 1968, along with a consent letter from the Arbitrator. Accordingly, the Government issued an Order on 24th December, 1968, for publication in the Official Gazette. Thus it would be seen that my letter, dated 26th December, 1968 was of a later date and as such the withdrawal of the consent was not valid and in order. I, therefore, emphasised that the reference made by the Government was perfectly in order. I further pointed out that since the dispute was referred to my arbitration jointly by both the parties the withdrawal of my consent though in good faith at the request of one party only, would not be proper and in order. I, therefore, made it clear to the parties that the reference was not at all bad in law and that I had jurisdiction to arbitrate in the matter and the arbitration proceedings would continue.

While thus disposing of the preliminary objections raised by the Sangh I expressed I had no objection to allow sufficient time to the Sangh to submit their written statement and thus to adjourn the proceedings to some other suitable date if the parties made such a request in writing. The Sangh's representative stated that if the Arbitrator was convinced that the reference was legal and according to law, it was his submission that without prejudice to the Sangh's contention to raise the issue about the reference being bad in law, the Sangh would file the written statement. He requested that the Sangh may be allowed sufficient time for

filling the written statement. He further requested that the management should make available to the Sangh certain relevant documents of the company for inspection since the Sangh had no ready made data available with them.

The Management's representative agreed to show the relevant documents to the Sangh except certain documents of a confidential nature which of course can be disclosed to the Arbitrator as and when called upon to do so by the Arbitrator. After some further discussion, it was agreed by the parties that the Sangh would submit its written statement to the Arbitrator by 15th February, 1969 and the management would submit their written statement to the Arbitrator by 20th February, 1969. It was also agreed that the next meeting should be held on 24th February 1969.

The next hearing was accordingly held on 24th February, 1969 which was postponed to 25th February, 1969, at the request of the Sangh's representatives. The Sangh's representatives then stated that the Sangh had filed a Writ Petition in the High Court of Madhya Pradesh, Jabalpur in respect of the dispute under arbitration and the Writ Petition was likely to be heard and disposed of shortly by that High Court. In view of this they requested that the proceedings may be postponed to 10th March 1969 in the light of the direction that would be given by that High Court on the Writ Petition. The management stated that they were not aware whether the Sangh had filed any such Writ Petition in the High Court of Madhya Pradesh, Jabalpur. They had, however, no objection to postpone the hearing as requested by the Sangh. I had not heard anything officially in the matter then. However, as both parties desired, I agreed to postpone the hearing to 10th March, 1969.

In the meanwhile, I received a notice from the High Court of Madhya Pradesh, Jabalpur in which it was stated that the hearing of the Writ Petition in that Court would take place on 10th March, 1969. I, therefore, wrote to the parties on 5th March, 1969, that the hearing fixed for 10th March, 1969 was postponed and the next hearing would be held on 15th March, 1969, in case no Stay Order was granted by the High Court of Madhya Pradesh, Jabalpur. I was then informed by the management that the Stay Application of the Sangh was rejected and the Sangh's Petition was dismissed as withdrawn by the High Court. The management also informed me that both parties were going to attend the hearing on 15th March, 1969.

The final hearing was held on 15th March, 1969 which was again postponed to 17th March, 1969, at the request of the Sangh. The hearing continued continuously for 3 days and it was finally concluded on 19th March, 1969.

The written statements of the parties were received by me by 10th February, 1969. The Sangh submitted their rejoinder to the written statement of the management on 15th March, 1969. The management's representative also submitted two tables—Table 'A' for August, 1967 and Table 'B' for October, 1968 showing the impact of the Coal Wage Board Award on the man-power and productivity. They also produced certain original records for examination which they considered were necessary. The matter was then discussed at length.

I would sum up the contentions of the parties as follows:—

The management's contention:—

The Government of India accepted some of the recommendations of the Central Wage Board for Coal Mining Industry and advised the Coal Industry to implement these recommendations with effect from 15th August, 1967. These recommendations granted considerable increase in the wage structure and in many fringe benefits to the workmen and these recommendations of Coal Wage Board also included a Scheme of Variable Dearness Allowance tied up with Cost of Living Index. The Coal Industry throughout the country expressed their inability to implement these recommendations basically because the Industry was already in serious financial difficulties and it could not afford under any circumstances to implement these recommendations with the then existing coal prices. The Industry assessed the cost of implementation of the recommendations of the Wage Board and asked for a weighted average increase of Rs. 7.08 in coal prices. The Wage Board had also made recommendations that adequate price increase was necessary for the implementation of these recommendations. The same principle was accepted by the Coal Price Revision Committee appointed by the Government of India in 1957. The situation was further aggravated as the Government decontrolled coal in July, 1967. Consequent upon decontrol of price of coal, the Industry

fixed new coal prices for implementation of these recommendations of Wage Board. These new prices, however, were not accepted by Railways, who are the principal consumers and whose coal prices determine the general coal price level in the country. Thus in September, 1967 the negotiations with Railways for getting increase in coal prices came to a deadlock. The Government of India thus intervened and as a result of that, the management was forced to accept the increase in coal prices of Rs. 4/- per tonne over the prices existing at the time of decontrol which price-increase was meant for Outlying Coalfields.

The full implementation of the recommendations of the Wage Board was not possible within the price increase of Rs. 4/- per tonne. The accepted recommendations were implemented by the management and impact of the recommendations for October 1968 came to Rs. 4.24 per tonne at the Variable Dearness Allowance rate of Rs. 0.78 per worker per day, whereas, compensatory price increase received was only Rs. 4/- per tonne. The impact of these recommendations (for both the companies together) of Rs. 4.24 per tonne is made up as follows:—

	Rs.
1. Wages (including V.D.A.).	2.40
2. Lead and Lift	—
3. U. G. Allowance	0.11
4. Attendance Bonus	0.14
5. Overtime	0.04
6. Cost of Leave Wages and Railway Fare:	
(a) Sick Leave Wages extra days.	0.00
(b) Railway Fare.	0.04
7. Central Unit	
(a) Basic and V.D.A.	0.23
(b) Bonus.	-0.63
(c) Sick Leave extra days.	0.04
8. Perquisite 21 per cent. (including C.Y.).	0.59
9. Profit Sharing Bonus	0.12
10. Royalty.	0.20
Total.	4.24

(Perquisites are comprised of:—

Provident Fund 8.2%—Rs. 0.24; Privilege Leave 6.66%—Rs. 0.20, Sick Leave 2.14%—Rs. 0.06; Paid Holidays 2.14%—Rs. 0.06; Injury 1.5%—Rs. 0.03—Total Rs. 0.59).

The management made it clear at various stages and from time to time to their workers and before different agencies that within the increase of Rs. 4/- per tonne in coal price, they were unable to pay V.D.A. as per the recommendations of Wage Board and in fact they were not in a position even to pay 0.78 P. a V.D.A. and that even this V.D.A. of 0.78 P. per day per worker had been paid in expectation of further increase in coal price as their negotiations with Railways, etc., were in progress. Since after all the negotiations, the management had been refused any further increase in coal prices, it was not possible for them to pay enhanced V.D.A. The situation was unprecedented in its extent and severity when from 15th August, 1968, the Sangh claimed annual increments as per the recommendations of the Wage Board. The management, having already incurred Rs. 4.24 per tonne for implementing Wage Board recommendations at 0.78 P. V.D.A., was not in a position to entertain further demands of the workmen for increased V.D.A. or Annual Increments.

The Sangh's contentions:—

The management got an increase of Rs. 4/- per tonne in the price of coal of 2nd and 3rd grades and Rs. 5/- per tonne for the 1st and selected grades of coal, on the fact that the management would implement fully the recommendations of Coal Wage Board accepted by the Government of India which include payment of Variable Dearness Allowance tied up with All India Cost of Living Index. As such the management is obliged to pay V.D.A. @ Rs. 1.11 per day worker from 1st October, 1967 to 31st March, 1968 and @ Rs. 1.47 per day per worker from 1st April, 1968. Shri F. McNeill, Chairman, Coal Committee, the M. P. & Vidharbha Mining Association (who is also a senior official of M/s. Shaw Wallace & Co. Ltd.)

had agreed *vide* his Circular letter No. CC/CML dated 2-10-1967 that payment at the full new rates of wages arising out of the implementation of the Wage Board recommendations would be paid from the first payment day after the 15th October, 1967, in any case not later than the 1st November, 1967. It is only to delay the due payments the management is taking up the stand that they have no capacity to pay. The management in the past had earned huge profits. They have never sustained any losses in the Coal Industry. They are quite capable of paying the V.D.A. as per the recommendation of Coal Wage Board and more so when they have got an increase in price of coal as stated above. What has got to be seen is whether the management has a capacity to pay or not a certain wage or Dearness Allowance and not whether an increase of Rs. 4/- per tonne in price is adequate for discharge of certain liabilities. In the present case an increase of Rs. 4/- per tonne in price was willingly accepted by the management towards meeting the additional costs as a result of the recommendation of Coal Wage Board and the management is both morally and legally bound to pay full wages to the labour including Variable Dearness Allowance.

The claim of the management that with V.D.A. @ 0.78 P. per day per worker the impact of the Wage Board recommendation came to Rs. 4.24 per tonne was baseless. The figures submitted by the management were grossly inflated. The items of Royalty and Profit Sharing Bonus cannot be charged out of the amount of Rs. 4/- as these items do not form part of Wage Board recommendations. The items of Attendance Bonus, Earned Leave and Sick Leave the management has taken into account full liability, i.e., cent. per cent. liability, which could not be agreed to. According to the survey conducted by the Sangh, about 70 to 75 per cent. of the workers qualify for Attendance Bonus and 75 to 80 per cent. workers qualify for Annual (Earned) Leave. Similarly, the impact of Sick Leave is not so significant. With regard to perquisites of 21 per cent shown by the management, the Wage Board has not increased the quantum of Annual Leave. Sick Leave has been increased by 8 days only. The number of paid holidays has not been increased. Injury cannot be made as a provision for charge on wages, and as such the amount of 0.59 P. shown against Perquisites is a very inflated figure and cannot be accepted. Thus the impact of the Wage Board recommendations cannot be as shown by the management and there is ample scope even within the amount of Rs. 4/- to pay full V.D.A. as per the recommendation of Wage Board and the annual increments which became due with effect from 15th August, 1968 which in fact should not be taken into account against the increase of Rs. 4/- per tonne in price received by the management. The date 1st November, 1968 mentioned in the terms of reference is an imaginary date agreed to by the parties to facilitate calculations and it should not become a bar against receiving benefits of the increased V.D.A. for the past period as per the recommendations of the Coal Wage Board. The Sangh is fully convinced that the management has capacity to pay full Variable Dearness Allowance as per the recommendations of the Coal Wage Board even within the amount of increase of Rs. 4/- per tonne in the price of coal allowed to them for purpose of implementation of the Wage Board recommendations.

Findings

The terms of reference for my arbitration are specific as follows:—

- (1) Whether the management are capable of paying V.D.A. at a rate of more than 0.78 P. per day worker *within the amount of increase of Rs. 4/- per tonne in the price of coal allowed to them for the purpose of implementation of the recommendations of the Wage Board as accepted by the Government.*
- (2) If the reply to (1) above is affirmative, then the quantum of V.D.A. will have to be decided which would automatically be given effect to from 1st November, 1968.

In view of the restricted terms of reference made to me, it will not be relevant for me to consider the general financial position of the management to judge whether or not they have the capacity to bear payment of an amount in excess of 0.78 P. per day per worker in the shape of V.D.A., as for the purpose of this reference I am not expected to go beyond the terms of reference made to me, and thus I am obliged to find out the capacity of the management to pay strictly within the amount of increase of Rs. 4/- per tonne allowed to the management for purpose of implementation of the Wage Board recommendations as accepted by the Government. At the same time my decision, in terms of the reference, would be automatically applicable from 1st November, 1968, only. The Sangh has pointed out to me that the date 1st November, 1968 is an imaginary date, agreed to by the

parties, to facilitate calculations. I am afraid, I cannot accept this view and my decision will have to be given effect to from 1st November, 1968, in view of the terms of reference made for my arbitration.

It is, therefore, relevant to find out the impact of the Wage Board recommendation per tonne. The management has stated before me that they have implemented all recommendations of the Wage Board as accepted by the Government of India except the recommendations pertaining to V.D.A. tied up with the Cost of Living Index and the Annual Increments. They have stated that they are not capable to pay anything more than 0.78 P. as V.D.A. and also annual increments, within the amount of increase of Rs. 4/- per tonne. In support of their argument they have pointed out that the impact of the Wage Board recommendations already implemented at 0.78 P. V.D.A. for October, 1958 came to Rs. 1.24 per tonne (for both the coalfields combined together). They also produced certain relevant records before me for my perusal. At the time of conclusion of final hearing on 19th March, 1969 I had asked the management to furnish me the following details:—

- (1) The total number of workers affected by the reference in each of the two companies, monthwise from September, 1967 to October, 1968.
- (2) Total number of workers who received Attendance Bonus quarterwise for the above period.
- (3) Total number of workers who became entitled to earned leave for the year 1968 and
- (4) Total amount of wages paid by way of Sick Leave monthwise for the year 1968.

The management furnished the required information on 31st March, 1969 as agreed to and also produced relevant documents before me in support of the information furnished. The Sangh stated before me that the amount mentioned by the management for showing the impact of the Wage Board recommendations per tonne are grossly inflated and the impact cannot be Rs. 4.24 per tonne.

I examined the matter and scrutinised the records produced before me very carefully. I am inclined to agree with the Sangh's contention to some extent that the amounts mentioned by the management for showing the impact per tonne are on the high side, though not grossly inflated. While showing the impact of the Wage Board recommendations the management have taken into consideration the full liability i.e. cent per cent liability under various heads. I feel that there is no likelihood of the 100 per cent workers earning Attendance Bonus and becoming qualified for earned leave. In fact, after examining the Bonus sheets for five quarters (for quarter ending September 1967 to quarter ending December 1968) I find that about 75 per cent workers were entitled to receive Attendance Bonus. I have also observed from the records of the earned leave for the year 1968 that about 78 per cent workers qualified for earned leave. The management in this respect has stated that the figure of earned leave for one year cannot be representative for all times and that they have to provide for all the workers. I do not agree with this contention. The Sangh had also pointed out that from their experience only 75 per cent to 80 per cent of workers generally qualified for earned leave. As such, I think it will be fair to provide for only 75 per cent to 80 per cent of the full impact on account of earned leave. The management has shown the impact of Sick Leave of 0.43 P. While going through the amount of wages paid by way of Sick Leave monthwise for the year 1968, I find that the impact due to Sick Leave Wages is not as high as shown by the management. The management has given various reasons as to how the figures of Sick Leave wages paid for the year 1968 are not to be relied upon. I do find that there is some force in their contention. The Sangh's representatives also could not refute any of these figures and could not give any rough estimate for this item of expenditure. I, however, personally feel the fair estimate for the impact on account of Sick Leave wages will come to 2/3rd (i.e. 66 per cent) of what the management has shown. It will, therefore, automatically reduce the impact shown against the perquisites.

With regard to items of Royalty and Profit Sharing Bonus, I am of the view that these items cannot be allowed to be shown as items of expenditure while finding out the impact of the Wage Board recommendations, as these items do not form a part of the Wage Board recommendations as accepted by the Government. The management has stated that on the sale price they have to pay 5 per cent Royalty to the Government and as such in fact they are receiving only Rs. 3.80 and not Rs. 4/- per tonne as increase in price. There is a lot of force in the management's arguments but even then I feel the management will have to find

out some other source to pay the Royalty. In any case, the Item of Profit Sharing Bonus cannot be admitted as this item will have to be charged to the overall profits of the management and cannot be set off against the increase of Rs 4/- per tonne while showing the impact of the Wage Board recommendations.

Having regard to all the facts mentioned above and having regard to the arguments advanced by both the parties, I feel the management is capable of paying at least 0.90 P per worker per day as Variable Dearness Allowance with effect from 1st November, 1968.

This is my Award.

(Sd.) S. M. DIKHALE,
Deputy Chairman,
Bombay Dock Labour Board
(Arbitrator)

Bombay, Dated the 15th April, 1969.

[No. 8/104/68-LR.II.]

ORDERS

New Delhi the 11th April 1969

S.O. 1709.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Newton Chickli Colliery, Post Office Parasia, District Chhindwara, (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Newton Chickli Colliery Post Office, Parasia, District Chhindwara, Madhya Pradesh was justified in keeping under suspension Shri Maroti son of Shri Ganpat Kunbi, Coal Cutting Machine helper, from the 8th June, 1968 to the 21st July, 1968 and subsequently dismissing him from service with effect from the 22nd July, 1968? If not, to what relief is the workman entitled?

[No. 5/57/68-LR.II.]

S.O. 1710.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Newton Chickli Colliery Post Office Newton Chickli, District Chhindwara (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Newton Chickli Collieries, Post Office Parasia in dismissing Shrimati Chandra Bai, Ex-wagon loader from service with effect from the 19th October, 1967 was justified? If not, to what relief is she entitled to?

[No. 5/1/69-LR.II.]

New Delhi, the 14th April 1969

S.O. 1711.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Datla

West Collieries of Messrs Shaw Wallace and Company Limited, Parasia, District Chhindwara (Madhya Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now, therefore in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Datta West Collieries of Messrs Shaw Wallace and Company Limited, Post Office Parasia District Chhindwara, Madhya Pradesh, was justified in categorising the workmen named below as dressers and paying an allowance of 25 paise per shift per worker for performing the duties of driller in addition to their duties as dressers?

1. Kandhai, T. No 1816
2. Kanhai, T. No. 1031
3. Rahman, T. No 1831
4. Bhikha, T. No. 1060
5. Suratsingh, T. No 9096
6. Premchand T. No. 1012
7. Mahadeo. T. No. 1806
- 8 Chandidas, T. No. 1823
9. Ramcharan. T. No. 1811
10. Mahipsingh. T. No 1025
11. Purvee, T. No 1828
12. Maharaj Singh, T. No 1027
13. Raghunath T. No. 1055
14. Rameshwar T. No. 1827
15. Mahboob, T. No. 1824
- 16 Gandlal, T. No 1022
17. Chandrika, T. No. 1826
18. Dashrath, T. No. 1835
- 19 Bhabutia, T. No. 1813
- 20 Bhondal, T. No. 1018
21. Gulabchand, T. No. 1843
22. Langru, T. No 1822
23. Jeotia, T. No 1043
24. Ganpati, T. No 1808
- 25 Bhura, T. No. 1809
26. Kartik, T. No 1024
27. Mahkadas, T. No. 1029
- 28 Rusmat, T. No 1788
29. Hameshagul, T. No. 1028
30. Seonath. T. No. 1292
- 31 Samaru. T. No. 1030
32. Nandlal, T. No. 1934
33. Sekhmulam. T. No. 1820
34. Buddhu, T. No 1830
35. Tantu, T. No. 1067
36. Tamman, T. No -
- 37 Ojha, T. No -
38. Lalau, T. No. -

- 39 Bahadur, T. No. —
 40. Ratan, T. No —
 41. Sekh Sakoor, T. No. —

If not, to what relief are the workmen entitled?

[No. 5/24/68-LRII.]

S.O. 1712.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Pure Searsole Colliery, Post Office Raniganj, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Pure Searsole Colliery, Post Office Searsole, Rajbari, District Burdwan (West Bengal) was justified in suspending Shri Mohd. Khalil, Fitter helper for 10 days without pay with effect from the 2nd March, 1968 and subsequently dismissing him from the 22nd June, 1968? If not, to what relief is the workman entitled?

[No. 6/6/69-LRII.]

S.O. 1713.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of South Govindpur Colliery of Shri H. I. Pathak, Post Office Katrasgarh, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of South Govindpur Colliery of Shri H. I. Pathak, Post Office Katrasgarh, District Dhanbad, was justified in refusing employment to Shri Rajdeo Ram, Fireman, with effect from the 2nd September, 1967, and subsequently dismissing him from service with effect from the 16th April, 1968? If not, to what relief is the workman entitled?

[No. 2/6/69-LRII.]

New Delhi, the 19th April 1969

S.O. 1714.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Somagudem Mines of Belampalli, Singareni Collieries Company Limited, Post Office Belampalli (Andhra Pradesh) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Remkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Having regard to the nature of the duties performed by Sarvasbri Dhansetty Laxmaiah, Chennoda Malliah, Sriamula Lingah, Shaik Myboob, Pani Veeramallu Pantadi Sivaiah, Boins Pedda Komaraiah, Konda Enkayy, Chintam Posham, Konda Ellaiah, Kolluri Meenaiah, Chelupuri Rajam, Gaddam Gattu, Chinna Bugiah, Udurukota Malliah and Dongari Komaraiah, in the Somagudem Mine of Singarum Collieries Company Limited, whether the action of the management, in not confirming the said workmen is justified? If not, to what relief and from what date the workmen are entitled to?

[No. 7/22/67-LRII.]

S.O. 171A.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bokaro Jharia Colliery of Messrs Agarwalla Brothers, Post Office Karmatana, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Bokaro Jharia Colliery of Messrs Agarwalla Brothers Post Office Karmatana, District Dhanbad, refused work to Shri Shambhu Mahato, General Mazdoor with effect from the 8th November, 1968? If so, to what relief is the workman concerned entitled?

[No. 2/46/69 LRII.]

New Delhi, the 25th April 1969

S.O. 171B.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Sitanala Colliery of Shri D. K. Samanto Post Office Bhojudih (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Sitanala Colliery of Shri D. K. Samanto, Post Office Bhojudih (Dhanbad) was justified in stopping from work Shri Jagdish Narayan Singh, Mining Sirdar, with effect from the 17th June, 1968? If not, to what relief is the workman entitled?

[No. 2/24/69-LRII.]

S.O. 1717.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Prasonno Dutta Kajora Colliery, Post Office Kajoram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Prasonno Dutta Kajora Colliery, Post Office Kajoram, District Burdwan was justified in suspending beyond 10 days and stopping from work Shri Mahadeb Singh, Depot Munshi, with effect from the 7th February, 1968? If not, to what relief is he entitled?

[No. 6/15/69-LRII.]

S.O. 1718.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ballarpur Collieries Company, Post Office Ballarpur, District Chandrapur and their workmen in respect of the matters specified in the Schedule hereto annexed.

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri G. V. Dev as Presiding Officer with headquarters at Nagpur, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the management of Ballarpur Collieries Company, Ballarpur, was justified in dispensing with the services of Shri Bhavsingh Mohilal with effect from the 6th November, 1967? If not, to what relief is the workman entitled?

[No. 3/3/69-LRII.]

BALWANT SINGH, Under Secy

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 19th April 1969

S.O. 1719.—In pursuance of rule 76-A of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the Central Government hereby makes the following order to amend the Order published with the notification of the Government of India in the late Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. S.O. 530, dated the 3rd February, 1964, namely:—

In the said order:—

For the words and figures "31st March, 1969" the words and figures "30th September, 1969" shall be substituted

[No. F. 14(22)/Comp. & Prop/64]

GULAB L. AJWANI,

Settlement Commissioner (C).

वित्त मंत्रालय

(अर्थ विभाग)

नई दिल्ली, 23 अप्रैल 1969

एन० ओ० 1720--भारतीय राजा बैंक अधिनियम, 1955 (1955 के तेईसवें अधिनियम) की धारा 25 की उपधारा (2) के खंड (ख) और उपधारा 3 के साथ पठित धारा (21) की उपधारा (i) के खंड (ग) के अनुसार, केन्द्रीय सरकार ने, भारतीय रिजर्व बैंक के साथ परामर्श के, श्री जी० के० भगत के तागपत्र से रिक्त हुए पद पर, श्री आर० पी० गोय का 19 बेल गिअर रोड, कलकत्ता--27 को एतद्गत भारतीय राजा बैंक के कलकत्ते के स्थानीय बोर्ड का सदस्य नामजद किया है।

[सं० एफ० 8/39/69-एन० बी०]

के० येसुहन्म, अनुसचिव।

